As responsible for the dignity of the House, I must certainly protest against the second sentence. Everything that this House does, it does with a full sense of its responsibility. It does so after due consideration of every question that comes before it and it does not pass any resolution negligently or hastily. Therefore, I say that I should not allow that statement in an official letter to go unchallenged.

About the merits of the adjournment motion, the House will recall that this was allowed by the Chair on the last occasion, and when it was put to the House, the House refused to give leave. On this occasion also, I propose to put the resolution to the House and ask whether leave can be granted.

MR. T. JAYANTAN NAMBOOTIRI (*Travancore Jenmies, North*): I object.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Mr. Kuriakose is not present. Can it be taken up in his absence?

PRESIDENT: I cannot help it. I promised to deliver my ruling to-day. It was his duty to have come to-day. How many honourable members agree to the adjournment motion being taken up?

(Mr. N. E. Varughese alone stood up).

Leave to move the adjournment motion was refused.

LEGISLATIVE BUSINESS.

THE TRAVANCORE AGRICULTURISTS' RELIEF BILL—(*Contd*).

Clause 2.

PRESIDENT: We will now resume discussion of the amendments. The House was discussing amendment No. 34A when it rose yesterday. The Law Member will continue his speech.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the amendment before the House is to delete sub-clause (*e*) (iv) of Clause 2. This sub-clause has three parts.

(i) Any debt incurred for purpose of trade, or

(ii) any debt due to a Co-operative Society, or

(iii) any debt arising out of any transaction of the nature of a lease including a *kavapattom* transaction falling within the purview of the Travancore Jenmi and Kudiyan Regulation of 1071."

The last class of debt, I will call briefly as rent-debt. It may not be accurate language; but for the purpose of what I am going to say, it will be expressive enough as it is really rent though technically it is a debt too. As the Bill now stands, the three classes of debts are excluded from the purview of definition of debts thereby making the relief provisions proposed by this Bill inapplicable except for purposes of conciliation. Now, if this amendment is carried, the effect will be that these three classes of debt will be subject to all the relief provisions

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Kayalam Paramesvaran Pillai.]

proposed by the Bill. I may perhaps say that, in my original Bill, the proposal was that all these three classes should be excluded from the purview of the Bill entirely. The Select Committee have taken the view that these must be brought at least within the conciliation provisions. That was a large step takan by them. Having regard to the view taken by the Committee, I have decided to accept the provision as it now stands. But I cannot accept the proposition that every relief provision must be extended to these three classes of debts.

I shall now deal with these three classes of debts one by one Last evening, I was dealing with the debts due to co-operative societies.

Now, these debts due to co-operative societies should be treated as a class apart from other debts. The object of the Travancore Agriculturists' Relief Bill is to provide relief to the agriculturists and the object of the co-operative movement is the same. The co-operative movement was started for establishing co-operative societies to afford help for the indebted agriculturists. That could very well be seen from the preamble to the Co-operative Societies Regulation. That Regulation is intended for the promotion of thrift and self-help among the agricultural population in the State. It must be remembered that whatever relief provisions you may propose to the agriculturists indebted to the co-operative society, they would necessarily affect the co-operative societies themselves. And it must also be remembered that the co-operative society too is very often a debtor. The society cannot function without money. It is therefore a debtor to the financing banks, either Taluk Banks or Central Banks. If the relief provisions are afforded to the agriculturists indebted to a society, there will be repercussion on the society which is itself a machinery for giving relief to the agriculturists and relief may have to be given to the society too. There is no proposal in the Bill to provide relief to co-operative societies. No proposal therefor will be germane to the present legislation. Unless we devise a system of relief which will bring relief to the co-operative society also, we should not touch the debts *due* to co-operative societies. No doubt the agriculturists who are debtors to the co-operative societies deserve our sympathy. In the same manner the co-operative society too which is an institution designed to foster agriculture deserves equally our sympathy.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member whether co-operative societies cannot get back the loans in periodical instalments?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. In that case we do not want any provision at all in Bill as regards the societies.

If we seek to apply these provisions applicable to the ordinary creditor, there will be reduction of interest and instalment payment. If that is done, it will re-act upon the co-operative societies. For instance, if in the case of a co-operative society which has a number of

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Kayalam Paramesvaran Pillai].

agricultural debtors, you reduce the rate of interest, say to 6 per cent, the interest payable by the co-operative society to the banks should also be reduced. That is the problem. Unless we have a machinery for reducing that interest also we cannot make a provision for reducing the amounts due to the co-operative societies. The fact must always be remembered that the co-operative society is the machinery intended to help the agriculturists.

MR. S. J. NAIR (*Nedumangad*): Is it not possible to reduce the rate of interest to banks?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is nothing impossible; but we cannot do any such thing in this legislation. I am not at all suggesting that the burden of the debt of the agriculturists due to the societies should not be lightened. It may be that even 16 to 20 per cent. interest is being realised from agricultural debtors by the societies and it may all be wrong. All that I am suggesting is that the requisite relief must be given in a measure which provides for the working of the co-operative movement but not in this Bill. A measure which affects the liability of the agriculturists indebted to the co-operative society must come as a part of a larger measure including the co-operative societies too. Such a help could be thought of when we take up the next Bill, *viz.*, the Co-operative Societies Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I draw the attention of the member to the opinion recorded by two previous Registrars of the Co-operative Department quoted on page 22 of the Agricultural Debt Redemption Committee Report?

> "We have considered the matter anxiously and have also consulted Mr M. Govinda Pillai, the present Registrar of Co-operative Societies, and Mr. R. Vaidya lingam Pillai, his predecessor. Both of them are of the decided view that the agriculturists who owe money to co-operative societies and banks should also be brought within any scheme of debt relief which may be recommended by the Committee".

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. That refers to the relief by conciliation.

Mr. Govinda Pillai was suggesting yesterday that the rate of interest has been ordered to be reduced, even under the authority now available to him. Any relief measure that we propose for this purpose must embrace the society also. That is my point, and the working of the relief measure must be left to the Co-operative Department. If the House thinks that the Registrar cannot do these things effectively now, they may make necessary provisons in the next Bill.

Sir, the co-operative society is ordinarily indebted to a bank. Who is going to pay the money to the bank? It is the co-operative society that must pay. Most of the co-operative societies are of the unlimited liability class. The agriculturist debtors whose relief we desire are members of these societies and the agriculturist debtors will in turn be called upon to pay to the bank. Every pie of the debt owing to the bank by the cooperative society will be collected from the agriculturists who

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Kayalam Parameswaran Pillai.]

are primary debtors to the society. That being so, we have to bring relief not only to the agriculturists but also to the co-operative societies. I am not of the opinion that the agriculturists who are indebted to the societies should be subjected to say 20 per cent interest; far from it. I want to see relief made, but not in this Bill but in the Bill relating to the co-operative societies. In the Punjab *e. g.* debts due to the co-operative societies are excluded from relief provisions. Having regard to the views of the Registrar of Co-operative Societies the Bill has been altered however so as to make these debts fall within the conciliation provisions.

MR. K. R. ELENKATH (*Kalkulam I*): What is the corresponding provision in Mysore?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not remember.

MR. S. J. NAIR (*Vaikumangad*): With regard to the reduction of interest to other debts, is it not possible for the High Court to issue circulars as was done in the case of the Co-operative Department?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a different question altogether. Mr. Raman Pillai said yesterday that the Registrar's instructions in this respect are not proving effective. That will be a reason for assisting the Registrar with further powers in the matter. By doing so, the Legislature will be able to save the co-operative movement also as a whole. We should not take any isolated action which may also result in killing the co-operative movement.

Next in regard to trade debts; when an agriculturist incurs debts for the purposes of trade, he is really a trader, for that purpose at any rate. That being so there will not be as much reason for giving him the relief in regard to that debt. It is not the desire of Government that commerce should be hampered. This must be fostered to the extent possible. When it is seen that the agriculturist has incurred the debt for trade, it is not desirable that the creditor should be subjected to any such restrictions as is proposed in regard to other debts. In regard to trade debts, the Bill as revised by the Select Committee has proposed that conciliation measures should be extended to them also. But other provisions such as reduction of interest cannot be granted in respect of debts incurred for purposes of trade.

The third claas is the rent-debt. They are not really debts in the strict sense of the term. They do not arise by reason of any money advanced by the creditor. Ordinarily a debt arises when money is advanced. Technically rent may be a debt. But this rent debt does not arise in the usual way of all debts. It is really a portion of the produce of the land enjoyed by the cultivator. One portion of the produce is reserved for the landlord and another portion is enjoyed by the cultivator and as such the landlord should not be subject to the relief provisions in this Bill. This rent is the price for which the

LIBRARY ARCHIVES Kerala Legislative Assembly

debtor obtained the privilege of enjoying the land. So long as the debtor enjoys the land, relief provision should be applied to it. It must be left to the ordinary law of the land. Sir, I oppose the amendment.

MR. S. J. NAIR (*Nedumangad*) : I support the amendment. If at all any measure deserves support at our hands it is this measure only. Because, it is with a view to give relief to the agriculturists. It is highly necessary that debts due to co-operative societies, debts arising under *Kanapattom* tenure and under trade must be brought under this Bill. If you take into consideration the condition of the agriculturist debtors in the State, I feel sure that 95 per cent. of the debtors would come under the category of these three classes of debtors. If it is the intention of the House or Government to exclude the debts incurred under co-operative societies or under trade or under *Kanapattom* transactions, I can tell the House that the agricultural debtors are not going to get any relief worth the name and this Bill would serve no useful purpose so far as the interests of the agricultural debtors are concerned.

Sir, so far as debtors to the banks and debtors to the money-lenders are concerned, they are only very few, not even 1 per cent. The bankers and money-lenders have not advanced to the ordinary agriculturists a single pie as loan. If at all they have advanced loans, it is to big traders and business-men and not to the ordinary agriculturists. So from the nature of the speech, so far as I have been able to understand, that has been just delivered by the learned Law Member in opposition to this motion, he was trying to safeguard the vested interest of the country; I mean the Jenmies and the Bankers. If the co-operative debts are brought under the provisions of this legislation, which he himself admits is a beneficial legislation, he perhaps fears that it may indirectly affect the banks, and hence his opposition to this amendment.

MR. KAYALAM PARAMESWARAN PILLAI (*Addl. Head Sirkar Vakil*) : I said that the co-operative societies will suffer and not the bank.

PRESIDENT : It is a vicious circle ?

MR. S. J. NAIR (*Nedumangad*) : It is a vicious circle. He informed this House that, if the co-operative societies' debt is brought under the purview of this legislation, the agricultural cerditors of the co-operative societies need not pay only the reduced interest. But the interest against their interest would be reduced. Whereas, the co-operative societies would be compelled to pay a higher rate of interest to the banks. So indirectly he has been setting up a plea in the interest of the bankers.

In the case of the *Jenmikaram* also, it is true that agriculturists have been holding the properties of Jenmies without paying their dues. But invariably we have seen that the Jenmies were quite indifferent in the collection of their dues. They went on permitting the poor agriculturists to enjoy the property without trying to get the *kanapattom* from them. Their managers would not make any demand. So arrears

LIBRARY ARCHIVES Kerala Legislative Assembly

have accrued. When they accrue to such a large amount, all of a sudden they make a demand; and the poor *kudiyan* is not in a position to meet the demand. It is due to the indifference or negligence of the Jenmies as well as their *kariyasthans* that the arrears have accrued. They ought to have been more vigilant. As matters stand now, if *Jenmikaram* dues are not brought under the purview of this legislation, the poor agriculturists are sure to lose all their properties. They wanted to see that the whole properties enjoyed by the agriculturists are taken away from them. Perhaps it may be for the purpose of depriving the agricultrists of their properties that they waited all this time. Now we make a demand with all respect to the Jenmies to reduce a portion of the interest. We do not say that the principal should be reduced. On the other hand we submit that we are prepared to pay the dues by instalments and that Jenmies must come round and reduce the rate of interest.

So if these three debts are excluded from the purview of this legislation, I assure this House that there is absolutely no necessity for such a legislation for the amelioration of the poor agriculturists. Hence I support the amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I support the amendment. It has been repeated more than once that the object of this legislation is to give relief to the indebted argiculturists, that it is not necessary either to be solicitous about the interests of the creditors or with regard to the purpose for which the loan is given. Here the Law Member wants to make certain exceptions and those exceptions refer only to Part III of this Regulation. Part III of the Bill gives power to the courts both to allow payment in instalments and to reduce the future interest of 6 per cent. and 9 per cent These are the only powers conferred by Part III and they are temporary powers which will last for only three years. Now it is said that with regard to these three classes of debts they should not come within the purview of Part III of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I ask whether the provision with regard to the instalment payment system contained in Clause 33 will not apply to decrees obtained for trade debts?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): It will apply to all debts. The Law Member wants to exclude it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That Section will apply to all decrees so that the only question appears to be with regard to the interest provisions.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Here what is it that is stated? The first argument advanced by the Law Member is that the agriculturist who has contracted a debt for trade purposes is a trader. Even under the definition, if his main source of income is from agriculture he is an agriculturist. But if the agriculturist happens to conduct a small trade and contract a loan, the Law Member says that that debt must be excluded. If the agriculturist contracts debts for

LIBRARY ARCHIVES Kerala Legislative Assembly

illegal and immoral purposes, the Law Member desires that he should be given concession. But if it is for trade, an honest business, then the Law Member says that the agriculturists should not be protected because he is a trader.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): For that purpose.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What I am submitting is that, in view of the fact that we have not taken into consideration the purpose for which a debt is contracted in any of the other Sections, it is not necessary that debts contracted for trade purposes alone should be omitted. It is not in the interest of the trader that the protection is sought to be made. It is not the traders that advance loans for the purpose of trade. It is some other money-lending man that advances money. It is not to protect the interest of trade but to protect the interests of certain others that this provision is made. I do not see any particular reason why the trade debts should be treated differently for a period of three years only.

Coming to the co-operative societies, they are considered to be beneficial to the ryots and agriculturists on the ground that they advance loans at a lower percentage than the ordinary banks and private individuals. That is the way why the co-operative societies are considered to be beneficial to the agriculturists. If that be the purpose for which co-operative societies are established, I do not know why they must be allowed to charge a higher rate of interest than ordinary banks and private individuals. As I submitted, Part III from which they are sought to be excluded relates only to future interest, and not to past transactions.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It applies to past transactions also.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I was referring to future interest. It is only for future interest that the provision is made. If future interest is reduced, it is not the co-operative societies that suffer. It is persons who have invested money that have to forego a portion of their income. There also we find that it is people who have invested their moneys in the co-operative banks that have to forego a portion of the interst or dividend.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): How will the co-operative banks forego any interest?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): They will write off the interest that cannot be realised. Who is it that suffers? It is the person who has invested his money there.

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): Who is it that has invested money in co-operative societies? Are they not agricultursits?

MR. A. S. DAMODARAN ASAN (*Mavelikara*) My friend does not want to protect the agriculturists creditors. By this clause he wants to protect agricultural creditors and not debtors, Most of the creditors

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. S. Damodaran Asan.]

in Travancore are agriculturists. The attempt made here is just to give preference to those creditors who have either taken shares in the co-operative societies or deposited their money in them. I do not think that, by reducing future interest, co-operative societies are in any way going to be ruined. If the Registrar, as promised by the Law Member, can reduce the future interest, will it not be much more graceful for this House to pass a legislation to bring down the rate of interest?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Can we pass any legislation in this Bill in regard to interest payable by a co-operative society to a bank?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): We can pass a legislation which will help the present agricultural debtor. That we can do, and that is what we are attempting to do.

Coming to part (*iii*), what I beg to submit is that it excludes rent claims. They are really agricultural debts. If we look to the nature of the debt, we find that it is incurred by the agriculturists for the purpose of agriculture.

We have no hesitation to say that either the whole interest or a part of the interest due to the creditor might be reduced or written off. But when it comes to the income from land—that is also interest in another manner—he says it should not be touched. I cannot understand that argument. It is not the corpus that is sought to be touched upon. The corpus is the land and the interest on a portion of the income of that land has to be given up because the agricultural debtor who has incurred that debt during the course of his agricultural pursuit has become liable for that debt. My submission is there is every reason to apply this Regulation to that kind of debt before we apply it to other non-agricultural debts. There is no justification for ignoring that aspect. All these items are to be excluded from Part III which relates only to future interest and even that is a temporary provision.

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum-Urban*): Sir, I support the amendment as regards the first two points, *viz.*, trade debts and debts due to co-operative societies. So far as I am able to see, this House is anxious to do its very best for the agriculturists and not merely have an ornamental statute in our books. Let us consider how this Regulation will work if the co-operative societies are permitted to enjoy the very large powers which the Co-operative Regulation has conferred upon them. It has been said, Sir, yesterday by Mr. Raman Pillai, and that position has not been denied by the Law Member or by any one on the other side, that some of these societies charge high rates of interest. There have been instances in which the interest charged has been nothing but extortionate. I have had the privilege, Sir, of presiding over very well attended co-operative conferences. I have been in touch with the present Registrar of Co-operative Societies and his predecessor and I

LIBRARY ARCHIVES Kerala Legislative Assembly

have had occasion also as a member of the old Economic Development Board to look into this question with some carefulness. Therefore, Sir, I owe a duty to myself to place a few facts before this House. The tale told of the Travancore co-operative societies is that they have been encouraged to pursue in certain lines irrespective of the good they would do to the country. A great weeding out has been found necessary; and in successive Administration Reports, Sir, the statement has been made that the co-operative societies are functioning so badly that the knife will have to be mercilessly applied to them; and some Registrars have taken to themselves the credit for giving out this bait to societies. I know, Sir, there are societies which have been running amock so far as financial matters are concerned; and there are societies which are debtors to the Central Bank by very large amounts of ten thousand and twenty thousand rupees; most of them and some of them, I understand, are bankrupts waiting for their debts only to be written off Why then should this House show any mercy to the Co-operative Societies. The Law Member, Sir, has been very long here a Law Member that he is very intimately alive to the requirements of the various battle fronts. He knows where to face the enemy with advantage to the Government. He said, Sir, that, when the Co-operative Bill which comes before this House is taken up for consideration, we shall rectify this mistake in that Bill. The Law Member knows that we are not going to pass that Bill now. When it is to be passed, nobody can say. But it is an argument which may be taken seriously by certain people when the Government itself promise some kind of support when the other Bill comes in. If there is an argument advanced when A. S. 249 is argued, when A. S. 349 is argued a different argument will arise. Therefore I do not for my part attach any importance to that kind of suggestion made on behalf of the Government. In our country, Sir, the bulk of debtors, as has been pointed out by Mr. S. J. Nair and Mr. Asan, are debtors to co-operative societies.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What would be the amount approximately?

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum-Urban*): The Law Member should certainly be in a position to know that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes it is Rs. 39½ lakhs as recorded by the Agricultural Debt Redemption Committee in its Report as against the total indebtedness of about Rs. 28 crores.

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum-Urban*): That certainly does not go against my argument. The figures in lakhs is a good sum. The Law Member may say that 39 lakhs is nothing; but I consider that is a very very large sum in this poor country; so that whether it is 300 lakhs or 29 lakhs does not arise. And the Law Member, Sir, is a gentleman of an aristocratic way of thinking; for he will consider the amount of debt when I look to the numerical consideration.

MR. M. SIVATANU PILLAI (*Tovala*): May I know the debt per head according to the figure 28 crores?

LIBRARY ARCHIVES Kerala Legislative Assembly

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum— Urban*) : I am not going to give answers to all these questions because these facts are available in reports such as the Banking Enquiry Committee Report and the Economic Depression Committee Report published by Government. So that I was surprised by a question from the Law Member. The Law Member, who is the Law Member to Government, has access to various records and when he put that question I refused to answer and when I refused to answer, Mr. Sivatanu Pillai rose up to question.

MR. M. SIVATANU PILLAI (*Tovala*) : Sir, he can answer my question.

PRESIDENT : When even the Law Member was refused an answer, how can you expect ?

MR. M. SIVATANU PILLAI (*Tovala*) : I must very seriously protest, Sir.

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum-Urban*) : Any protest arises from the fact that the genesis of the English language is not always understood. Even the Law Member, who has been my friend for so many years and whose legal acumen I respect more than anybody else in this House, has not taken objection The word *even* need not create any terrors.

A very large number of people are debtors to co-operative societies. The debt may be Rs. 20 or Rs. 30 or Rs. 100 lakhs ; but execution is execution and the property is sold in auction whether the debt is Rs. 25 or Rs. 2,500. So what is the effect of this, if there is pampering given to these societies and if the officers of the co-operative societies are permitted to realise the loans from the poor debtor ? The effect will be that this Regulation confers certain rights upon these much suffering agriculturists while at the same time they are being taken away.

With regard to the argument that the societies themselves would suffer and so forth, I think, the societies cannot suffer, for conciliation, if it is a good principle in regard to individuals, cannot but be a good principle to societies, as there are no societies apart from individuals and I take it that societies are composed of individuals.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Conciliation is not agreed to even.

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum-Urban*) : That is only helping me with a question. That argument also does not arise. It has been said, Sir, that if the recommendation of the Select Committee is strained in this particular measure it will recoil upon agriculturists. I refuse to take the view, for where is the recoiling ? Societies are composed of agriculturists mainly. So there is a give and take advantage and the Conciliation Officers will take the pros and cons of this question before they make up their mind as to how much they should pay. Sir, simply because of the fetish of the name co-operative societies, I am not prepared to accept the position that there must be fascination attached to them. Yesterday this House accepted the proposition that Government should be treated specially. One can understand that Government should function because the presumption is that Government functions efficiently well for

LIBRARY ARCHIVES Kerala Legislative Assembly

the public good. But with regard to co-operative societies, we have heard on the floor of this House castigations of a very serious character. We have read from the Administration Report where it is stated that the societies are not functioning properly and should I have more support given to this amendment than by reminding the House once again the passages read by Mr. Kunjukrishna Pillai and the admissions made by two Registrars in Travancore two departmental heads, people who are not imported from outside, not Mr. Singh or Mr. Ging from the Punjab, but two persons who have been born and bred up in Travancore, who had the opportunity to mix really with the people of the State—when these two gentlemen Mr. Vydialingom Pillai and Mr. Govinda Pillai say that co-operative societies should also be brought within the purview of any proposed measure, who is the person I ask, I ask the Law Member—on many of points of law I respect his opinion but in matters of these societies—can the Law Member go behind the opinion deliberately recorded by two Registrars (*hear, hear*). So that to my mind the position taken by the mover of the amendment is very clear and there is no use of shilly-shallying with the Bill. Let us have this Bill passed and let us allow the people an opportunity to be benefited by this Regulation. Let us not whittle it down the Scheme.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): What is the member's opinion with regard to debts incurred for purposes of trade?

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum—Urban*): It is a very legitimate thing for the honourable member to have stood up and reminded me of this. I am thankful to him. Mr. Asan's argument I did not propose to deal with because it has been so clearly put. An agriculturist may be a trader for certain purposes but he is mainly an agriculturist. But when money is borrowed to send sons to England or to do business in British India or to conduct marriage ceremonies on a very grand scale, all these are not going to be considered without any discrimination. What is the meaning of proscribing trade alone? Trade is as necesssary as agriculture. I have been saying that without distribution there is no use of production. So that as regards that point, I wish to support the amendment.

MR. A. THANU PILLAI (*Trivandrum-Rural*): What has the member to say with regard to debts arising from the lease transactions?

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum-Urban*): My friend did not hear me. I began by saying that I am giving my support to the first two points. On the other question, I keep an open mind.

MR. M. SIVATANU PILLAI (*Tovala*): I oppose the amendment, Sir. I am afraid whether I would be able to impress upon the attention of the House with the very feeble attempt I am going to make particularly after the usual peroration of the honourable member of the only urban constituency (*Laughter*). Sir, I would not have made up my mind to stand up and speak on this motion, and more so to oppose the motion, but for the fact that a good deal of condemnation has been showered upon co-operative societies and their functions.

LIBRARY ARCHIVES Kerala Legislative Assembly

Sir, I do not for one moment pretend to have any touch with the Registrar of Co-operative Societies. As a matter of fact, if at all I have had any touch with him it has always been a hard touch and not any agreeable touch. (*Laughter.*) All the same I may say, Sir, that I am also doing my humble bit as President of the Nagercoil Co-operative Taluk Bank; and I know how these societies are working in that part of the country. I know their difficulties. I also know the mischief that they do. It is true that the co-operative societies have within their fold a number of agricultural debtors who are now groaning under their debts. There is no doubt about that. Certainly, it is up to this House to devise a remedy. About six years ago, when conditions were normal, people were tempted to incur debts, especially when money was available in the co-operative societies. Now, on account of the depression, money market has become tight and even these co-operative societies have tightened the strings of their purse. Of course, the debtors are not able to pay up the instalments that they owe to the co-operative societies. I must say that the co-operative societies are quite willing to lend a helping hand to the debtors of the country. The Nagercoil society, for instance, first reduced the rate of interest from 10 per cent. to 9 per cent; and now they have reduced it still further to 7½ per cent. The honourable members who supported the motion seem to have ignored one inportant fact.

MR. K. R. ELENKATH (*Kalkulam I*): Does the Nagercoil society suffer to any extent on account of the reduction of the rate of interest?

MR. M. SIVATANU PILLAI (*Tovala*): Not at all. We received communications from the Central Bank also that they too have reduced the rate of interest.

Those who condemned the co-operative societies and supported the motion seem to have lost sight of one important point. Sir, these co-operative societies are democratic bodies. If the rate of interest is considered to be very high, it is open to the shareholders to reduce it. Only the formal sanction of the Registrar is necessary.

MR. A. THANU PILLAI (*Trivandrum-Rural*): What is the rate of interest charged by the Central Bank?

MR. M. SIVATANU PILLAI (*Tovala*): 6 per cent., for societies.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): What is the penalty for default?

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): The Central Bank has abolished penalty altogether.

MR. M. SIVATANU PILLAI (*Tovala*): We also abolished penalty in our Taluk Bank but the Registrar advised us to levy penalty at the rate of one cash per rupee instead of two as before. I may say, Sir, that, although we have reduced the rate of interest our bank is working quite well. We have declared a dividend of 6½ per cent. last year.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): After all what does this Bill provide? It seeks to reduce the rate of interest, which the societies themseles have done now.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. M. SIVATANU PILLAI (*Tovala*): That is exactly my point. What is provided for in the Bill with regard to ordinary debts is now being done by the co-operative societies themselves; there is provision for that. There is therefore no need to bring debts due to co-operative societies also within the purview of this enactment.

MR. K. R. ELENKATH (*Kalkulam I*): Is it the member's view that private creditors who are willing to reduce the rate of interest should also be exempted from the operation of this legislation?

MR. R. RAMAN PILLAI (*Changanachery cum Peermade II*): Has not the Registrar ordered that no dividend should be declared for the years from 1107 onwards?

MR. M. SIVATANU PILLAI (*Tovala I*): I am not aware of that. If he has done like that, it may be for many sound reasons.

I do not think, Sir, that there is any necessity to extend the operation of this enactment to debts due to co-operative societies. I would also emphasise the arguments advanced by the Law Member, namely, that if the lending co-operative societies are to be brought within the purview of this measure, the financing banks, which lend money to these smaller lending societies, should also be bronght within the scope of this enactment. Otherwise, we would be stopping half-way; and that is not desirable.

Further, again as the Law Member pointed out, Part II of this Bill applies to co-operative societies also, and debtors to co-operative societies can get awards from the conciliation authority even in regard to debts due to co-operative societies: and the Registrar can be influenced to accept the award of the Conciliation Board.

Sir, if there is any society which is not functioning properly, the proper thing to do would be to do away with such societies. There is ample provision for that.

MR. K. R. ELENKATH (*Kalkulam I*): Is it the member's point that debtors to co-operative societies must alone be left to the mercy of the Registrar?

MR. M. SIVATANU PILLAI (*Tovala*): No, Sir; the Registrar is a responsible officer, and I think he can be trusted with reasonableness.

As I was submitting, Sir, if any society is not functioning properly, it must be immediately done away with. Where is the necessity to nourish such societies and then extend the provisions of this Bill not only to cover them but also all coperative societies alike? In other words, good societies would be hampered in their work: and gradually they will disappear.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Does not the member agree that the interest on arrears of rent due from the lessee should also be reduced to 6 per cent?

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MR. M. SIVATANU PILLAI (*Tovala*): Produce from land is obtained periodically and it is very easy for the lessee to pay up the dues of the lessor then and there. Sir, I suppose we are now attempting to afford relief only to honest debtors and not to swindlers who do not pay even when they have the money to pay. In my part of the country, Sir, lessees of paddy lands pay up their dues very promptly and punctually even at the harvest itself.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Does the member realise that in recent years there has been complete failure of crops?

MR. M. SIVATANU PILLAI (*Tovala*): If it is shown that there has been complete failure of crops, surely the lessee will not have to pay anything.

Sir, there is great difference between rent due on land and money debts. Rent is due to the owner of land: that is what the owner gets by virtue of his right of ownership. The case of loan is entirely different.

MR. K. KUNJUKRISHNA PILLAI (*Quilon II*): What is the purpose of agricultural loans?

MR. M. SIVATANU PILLAI (*Tovala*): To enable the cultivator to get the best yield from land.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Since agricultural loans also are payable from the yield; in that respect, is there any difference between these loans and the rent due on the land, since rent also is a portion of the yield?

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I look upon the question from an entirely different point of view. If we tre going to do away with ownership of property, I can understand my, friend's point; but, so long as we recognise the right of ownership of property, we cannot argue that rent and loans are alike. There is no use in confusing the two.

With regard to the trader, Sir, I submit that any debt alien to agriculture must be excluded from the operation of this Bill. In fact, it is not difficult to trace every kind of debt to agriculture. Even sending a man's children to England for further studies may be traced to agriculture. Even the debt of a trader may be traced to his agricultural pursuits. We should therefore specifically provide for the exclusion of non-agricultural debts from this Bill. If we go on extending the application of the Bill like that, there will be no end. Sir, argument can be had for every point of view. We must draw the line somewhere. Trade can never be considered as agricultural pursuit.

With these words, I oppose the amendment.

PRESIDENT: The amendment has been discussed fully enough. I want to ascertain the views of the honourable members of the House as to whether each sub-clause should be put separately, or the whole together.

(*A voice*: Separately.)

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The amendment that sub-clause (iv) (*i*) be deleted was put to vote and declared lost.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I demand a poll.

A poll was accordingly taken with the following result : —

AYES—20.

1 Mr. S. J. Nair
2 ,, Sadasya Tilakan T. K. Velu Pillai
3 ,, A. Thanu Pillai
4 ,, K. R. Elenkath
5 ,, Menatheri N. Kesava Panickar
6 ,, S. Nilakanta Pillai
7 ,, K. M. Krishnan
8 ,, T. Krishna Pillai
9 ,, K. Mahomed
10 ,, R Raman Pillai
11 Mr. P. K. Thomas
12 ,, K. Kunjukrishna Pillai
13 ,, A. S. Damodaran Asan
14 ,, Pacode A. Narayana Pillai
15 ,, N. K. Krishna Pillai
16 ,, A. Easwara Pillai (*Kottara kara*)
17 ,, Kainikkara M. Padmanabha Pillai
18 ,, K. A. Narayana Pillai
19 ,, M. K. Madhavan Pillai
20 ,, T. P. Velayudhan Pillai

NOES—40.

1 Mr. K. C. Abraham
2 ,, E. V. Krishna Pillai
3 ,, N. Abdur Rahiman Sahib
4 ,, T. K. Alexander
5 ,, Rao Sahib S. Paramesvara Aiyar
6 ,, M. Mahomed Haneef
7 Miss Hepzibah Gnanasikamony
8 Mr. John Whitely Tolson
9 ,, Antony George
10 ,, J. M. Joseph
11 ,, P. C. Kuriyan
12 ,, S. Chattanatha Karayalar
13 ,, T. S. Jayantan Nampootiri
14 ,, N. John Joseph
15 ,, T. C. Joseph
16 ,, T. T. Kesavan Sastri
17 ,, K. P. Krishna Menon
18 ,, E. K. Kunjuraman
19 ,, P. C. Narayanan Bhattatiripad
20 ,, K. Madhavan
21 Mr. K. Sankaran
22 ,, K. C. Karunakaran
23 ,, K. Padmanabhan
24 ,, R. Sambasiva Aiyar
25 Rao Bahadur Dr. N. Kunjan Pillai
26 Mr. T. C. Thommen
27 ,, K. N. Kesava Pillai
28 ,, C. V. Chandrasekharan
29 ,, G. B. E. Truscott
30 ,, Kayalam Paramesvaran Pillai
31 ,, K. George
32 ,, R. Pitchu Aiyangar
33 ,, M. Govinda Pillai
34 Mrs. M. Poonen Lukose
35 Mr. Puthupalli S. Krishna Pillai
36 ,, R. Sivaraman Nair
37 ,, G. Nilakantan
38 ,, M. Sivatanu Pillai
39 ,, S. Thiraviam Nadar
40 ,, N. E. Varughese

NEUTRALS—4.

1 Mr. V. T. Chacko
2 ,, V. Ramakrishna Panickar
3 Mr. Pottayil S. Krishna Panickar
4 ,, M. K. Janardana Kamath

The amendment was declared lost.

LIBRARY ARCHIVES Kerala Legislative Assembly

The amendment that sub-clause (iv) (*ii*) be deleted was put to vote and declared lost.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I demand a poll, Sir.

A poll was accordingly taken with the following result :—

AYES—30.

1 Mr. E. V. Krishna Pillai
2 ,, T. K. Alexander
3 ,, V. T. Chacko
4 Rao Sahib S. Parameswara Aiyar
5 ,, S. J. Nair
6 ,, Sadasya Tilakan T. K. Velu Pillai
7 ,, A. Thanu Pillai
8 ,, K. R. Elenkath
9 ,, Antony George
10 ,, Menatheri N. Kesava Panickar
11 ,, S. Nilakanta Pillai
12 ,, N. John Joseph
13 ,, T. T. Kesavan Sastri
14 ,, K. M. Krishnan
15 ,, T. Krishna Pillai
16 Mr. K. Mahomed
17 ,, K. Madhavan
18 ,, R. Raman Pillai
19 ,, S. Thiraviam Nadar
20 ,, K. Kunjukrishna Pillai
21 ,, A. S. Damodaran Asan
22 ,, Paccode A. Narayana Pillai
23 ,, N. K. Krishna Pillai
24 ,, A. Easwara Pillai (*Kottarakara*)
25 ,, R. Sivaraman Nair
26 ,, Kainikkara M. Padmanabha Pillai
27 ,, Pottayil S. Krishna Panickar
28 ,, K. A. Narayana Pillai
29 ,, M. K. Madhavan Pillai
30 ,, T. P. Velayudhan Pillai

NOES—32.

1 Mr. K. C. Abraham
2 ,, N. Abdur Rahiman Sahib
3 ,, M. Mahomed Haneef
4 Miss. Hepzibah Gnanasikamony
5 Mr. John Whitely Tolson
6 ,, J. M Joseph
7 ,, P. C. Kuriyan
8 ,, S. Chattanatha Karayalar
9 ,, T. S. Jayantan Nampootiri
10 ,, T. C. Joseph
11 ,, K. P. Krishna Menon
12 ,, E. K. Kunjuraman
13 ,, P. C. Narayanan Bhattatiripad
14 ,, V. Ramakrishna Panickar
15 ,, K. Sankaran
16 ,, P. K. Thomas
17 ,, K. C. Karunakaran
18 Mr. K. Padmanabhan
19 ,, R. Sambasiva Aiyar
20 ,, N. E. Varughese
21 Rao Bahadur Dr. N. Kunjan Pillai
22 Mr. T. C. Thommen
23 ,, K. N. Kesava Pillai
24 ,, C. V. Chandrasekharan
25 ,, G. B. E. Truscott
26 ,, Kayalam Paramesvaran Pillai
27 ,, K. George
28 ,, R. Pitchu Aiyangar
29 ,, M. Govinda Pillai
30 Mrs M. Poonen Lukose
31 Mr. G. Nilakantan
32 ,, M. Sivatanu Pillai.

NEUTRALS—2.

1 Mr. Puthupalli S. Krishna Pillai
2 ,, M. K. Janardana Kamath

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This amendment was declared lost.

The amendment that sub-clause (iv) (*iii*) be deleted was put to vote and declared lost.

MR. S. J. NAIR (*Nedumangad*): I demand a poll.

A poll was accordingly taken with the following result:—

AYES—16.

1 Mr. S. J. Nair
2 ,, A. Thanu Pillai
3 ,, K. R. Elenkath
4 ,, P. C. Kuriyan
5 ,, S. Nilakanta Pillai
6 ,, T. Krishna Pillai
7 ,, K. Mahomed
8 ,, K. Kunjukrishna Pillai
9 ,, A. S. Damodaran Asan
10 ,, Pacode A. Narayana Pillai
11 Mr. N. K. Krishna Pillai
12 ,, A. Easwara Pillai (*Kottarakara*)
13 ,, Kainikkara M. Padmanabha Pillai
14 ,, Pottayil S. Krishna Panickar
15 ,, K. A. Narayana Pillai
16 ,, M. K. Madhavan Pillai

NOES—42.

1 Mr. K. C. Abraham
2 ,, E. V. Krishna Pillai
3 ,, N. Abdur Rahiman Sahib
4 ,, T. K. Alexander
5 Rao Sahib S. Paramesvara Aiyar
6 Mr. M. Mahomed Haneef
7 Miss Hepzibah Gnanasikamony
8 Mr. John Whitely Tolson
9 ,, Antony George
10 ,, J. M. Joseph
11 ,, S. Chattanatha Karayalar
12 ,, T. S. Jayantan Nampootiri
13 ,, N. John Joseph
14 ,, T. C. Joseph
15 ,, T. T. Kesavan Sastri
16 ,, K. M. Krishnan
17 ,, K. P. Krishna Menon
18 ,, E. K. Kunjuraman
19 ,, P. C. Narayanan Bhattatiripad
20 ,, K. Madhavan
21 ,, R. Raman Pillai
22 Mr. K. Sankaran
23 ,, P. K. Thomas
24 ,, K. C. Karunakaran
25 ,, K. Padmanabhan
26 ,, R. Sivaraman Nair
27 ,, R. Sambasiva Aiyar
28 ,, S. Thiraviam Nadar
29 ,, N. E. Varughese
30 Rao Bahadur Dr. N. Kunjan Pillai
31 Mr. T. C. Thommen
32 ,, K. N. Kesava Pillai
33 ,, C. V. Chandrasekharan
34 ,, G. B. E. Truscott
35 ,, Kayalam Paramesvaran Pillai
36 ,, R. Pitchu Aiyangar
37 ,, M. Govinda Pillai
38 Mrs. M. Poonen Lukose
39 Mr. K. George
40 ,, Puthupalli S. Krishna Pillai
41 ,, G. Nilakantan
42 ,, M. Sivatanu Pillai

NEUTRALS—6.

1 Mr. V. T. Chacko
2 Sadasya Tilakan T. K. Velu Pillai
3 Mr. Menatheri N. Kesava Panickar
4 Mr. V. Ramakrishna Panickar
5 ,, M. K. Janardana Kamath
6 ,, T. P. Velayudhan Pillai

LIBRARY ARCHIVES Kerala Legislative Assembly

The amendment was declared lost.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies, North*): I beg to move the following amendment :—

"*In Clause 2, for sub-clause (e) (iv) substitute the following:—*

(iv) any debt incurred for purposes of trade;

(v) any debt due to a Co-operative Society ;

(vi) any debt arising out of any transaction of the nature of a lease including a Kanapattam transaction falling within the purview of the Travancore Jenmi and Kudiyan Regulation of 1071".

With my amendment, the clause would read thus :—

"(e) 'Debt' means any liability of an agriculturist, due in cash or in kind, secured or unsecured, payable under a decree or order of the Civil Court or otherwise, and whether mature or not, but shall not include—

(i) any debt or other liability due to Our Government,

(ii) any land revenue or anything recoverable as an arrear of land revenue, or

(iii) any amount for the recovery of which a suit or application is barred by the Law of Limitation for the time being in force, or

(iv) any debt incurred for purpose of trade, or

(v) any debt due to a Co-operative Society, or

vi any debt arising out of any transaction of the nature of a lease including a kanapattom transaction falling within the purview of the Travancore Jenmi and Kudiyan Regulation of 1071."

ഡ്രാഫ്റ്റ് ബിൽ ഈ സഭയിൽ അവതരിപ്പിച്ചിരുന്നപ്പോൾ പരസ്പര സഹായസംഘങ്ങളിലേക്കുള്ള കടങ്ങൾ, കച്ചവടത്തിനുവേണ്ടി വാങ്ങിയ കടങ്ങൾ, പാട്ടത്തിന്റെ സ്വഭാവമുള്ള ഇടപാടുകളിൽനിന്നുത്ഭവിച്ചിട്ടുള്ള കുടിശികകൾ, ഫ ഠ ഫ ലെ ജന്മികുടിയാൻ റഗുലേഷനിൽ ഉൾപ്പെടുന്ന കടങ്ങൾ, ഇവകൾ കാർഷികകടത്തിന്റെ നിർവചനത്തിൽ നിന്നും ഒഴിച്ചിരുന്നു. സെലക്ട്കമ്മിറ്റിക്കാർ ഈ മൂന്നുതരം കടങ്ങളും ഈ റഗുലേഷന്റെ രണ്ടാംഭാഗത്തിനുവേണ്ടിമാത്രം കടങ്ങളാണെന്നുള്ള ഒരു വ്യത്യാസം വരുത്തിയിരിക്കുന്നു. അതിനുള്ള കാരണങ്ങൾ റിപ്പോർട്ടിൽ ഇങ്ങിനെ പറയുന്നു:—

"In regard to the trade debts of an agriculturist, debts due to Co-operative Societies and debts of the nature of rent, it may be that they should not be treated like ordinary advances of loan made to an agriculturist But there is no reason why they should be excluded from the purview of the provisions for conciliation proposed in Part II of this Bill. On the other hand, it is necessary that the Board should be empowered to deal with all these debts in order that it may propose an equitable adjustment. And the creditors concerned may only be glad to have their claims also settled, while the total assets and liabilities of the debtor are being dealt with by the Board ; in any event, the creditor will not be substantially prejudiced as conciliation is voluntary and it is open to him to dissent from the conciliation proposed".

എന്റെ ഭേദഗതികൊണ്ടു് ഡ്രാഫ്റ്റ്ബില്ലിലെ വ്യവസ്ഥ തന്നെ സ്വീകരിക്കണമെന്നു മാത്രമാണു ഞാൻ ഉദ്ദേശിച്ചിട്ടുള്ളതു്.

മുൻപറഞ്ഞ മൂന്നുതരം കടങ്ങളിൽ രണ്ടുതരം കടങ്ങളെപ്പറ്റി ഇവിടെ ധാരാളം വാദപ്രതിവാദം കഴിഞ്ഞിട്ടുണ്ടു്. അതിനാൽ എനിക്കു

LIBRARY ARCHIVES Kerala Legislative Assembly

മൂന്നാമത്തെ കടത്തെപ്പറ്റിയാണ് അധികം പറയുവാനുള്ളത്. അതായത് പാട്ടത്തിന്റെ സ്വഭാവമുള്ള ഇടപാടുകളിൽനിന്നും ഉത്ഭവിച്ചിട്ടുള്ള കടങ്ങളും ജന്മികുടിയാൻ നിയമത്തിന്റെ പരിധിയിലുള്ള കുടിശികകളും പാട്ടമിച്ചവാരം മുതലായ കുടിശികകളും കാർഷികകടങ്ങളായി പരിഗണിക്കരുത് എന്നു. ഋണനിവാരണക്കമ്മറിറിപ്പോർട്ടിൽ ഇങ്ങിനെ പ്രസ്താവിച്ചിരിക്കുന്നു:—

> "Rents, *michavaram* and other periodical dues arising from transactions of the nature of lease are either fixed from year to year or are fixed periodical payments, being, in essence, a share of the yield of the land, and are distinct from obligations arising out of loan transactions. For paddy land, the payment is usually made in kind and for garden land, in money. In either case, the amount is fixed with due regard to existing conditions. It is only equitable that the lessor or the jenmi should get his annual share of the yield of land, as ordinarily it has to be regarded as the source of his livelihood. On these considerations, the Committee decided that rents, *michavaram* and other periodical dues should not be included under agricultural debts."

പ്രസ്തുത റിപ്പോർട്ടിൽനിന്നും പാട്ടമിച്ചവാരക്കുടിശികകൾ യഥാർത്ഥത്തിലുള്ള കടങ്ങളല്ലെന്നും, വെറും വായ്പകളെപ്പോലെ ഗണിക്കുന്നതല്ലെന്നും ധാരാളം വ്യക്തമാകുന്നുണ്ട്. വസ്തു ഉടമസ്ഥൻ, ഒരു കർഷകനും അന്യാധീനത്തിലുള്ള വസ്തുക്കളുടെ ആദായം കൊണ്ടുമാത്രം ഉപജീവനമാക്കുന്ന ആളുമാണ്.

ഇന്നലെ ഗവണ്മെൻറിലേക്കു ചെല്ലേണ്ട കടങ്ങളെപ്പറ്റി വാദപ്രതിവാദം നടന്നപ്പോൾ ഗവണ്മെൻറ് കടങ്ങളൊക്കെടി കൺസിലിയേറു ചെയ്യുന്നപക്ഷം ഗവണ്മെൻറു നടന്നുപോകുന്നതിനുതന്നെ അസാദ്ധ്യമാണെന്ന് ലാമെമ്പർ അവർകൾ പറയുകയുണ്ടായി. വസ്തുവിന്റെ ആദായം ശരിക്കു കിട്ടുന്നതിനുള്ള മാർഗ്ഗം നിയമംകൊണ്ട് എടുത്തുകളയുന്നപക്ഷം ജന്മികളും അതുപോലെ തന്നെ വസ്തുക്കൾ അന്യകൈവശം കൊടുത്തുപോയ മറ്റു നിർഭാഗ്യവാന്മാരും ജീവസന്ധാരണത്തിനു തന്നെ വിഷമിക്കേണ്ടിവരും. കഴിഞ്ഞകാലത്തെ കടങ്ങൾ കൺസിലിയേറു ചെയ്യുമെന്നും, അവയെ കൊടുത്തു തീർക്കുന്നതിനു കാലാവധികിട്ടുമെന്നും ഉള്ള ഒരു സൌകര്യം കിട്ടുന്നപക്ഷം ഭാവിയിൽ കൊടുക്കേണ്ടിവരുന്ന പാട്ടമിച്ചവാരങ്ങൾ കൊടുക്കാതെയിരിക്കുവാനുള്ള മനഃസ്ഥിതിയാണ് സാധാരണയായി ജനങ്ങൾക്കുണ്ടാകുന്നതു്.

വെറും പാട്ടങ്ങളെപ്പറ്റിതന്നെ ആദ്യമായി പറയാം ഒരു കൊല്ലത്തെ കാലാവധിക്കു കൊടുത്തിട്ടുള്ള പാട്ടങ്ങളും കൂടുതൽ കാലാവധിക്കു കൊടുത്തിട്ടുള്ള പാട്ടങ്ങളും ധാരാളമുണ്ട്. പാട്ടത്തിനു വസ്തു വാങ്ങുന്ന ഒരാളിനു പണം മുടക്കേണ്ട ആവശ്യം വരുന്നില്ല. പാട്ടം കൊടുത്തുതീർക്കാൻ മുതൽ ഇല്ലെങ്കിൽ വസ്തു ഒഴിഞ്ഞു കൊടുക്കണം. അതു രണ്ടുംകൂ

LIBRARY ARCHIVES Kerala Legislative Assembly

ടാതെ വസ്തു അനുഭവിക്കുകയും ആദായം എടുക്കുകയും വസ്തു ഉടമസ്ഥന് ന്യായമായ വീതം കൊടുക്കാതിരിക്കുകയും ചെയ്യുന്ന ഒരാൾ കർഷകനാണെന്നുള്ള കാരണത്താൽ മാത്രം സൗജന്യാർഹനാണെന്നു നിശ്ചയിക്കുന്നതു തീരെ ന്യായീകരിക്കത്തക്കതല്ല. ഈ ഭേദഗതി സ്വീകരിക്കാത്തപക്ഷം വസ്തു അന്യനു കൊടുത്തു അതിൽനിന്നുള്ള ആദായം കൊണ്ടു ഉപജീവനം കഴിക്കുന്നതിനു നിർബന്ധിതനായ വസ്തു ഉടമസ്ഥന് ന്യായമായ പങ്കു കൊടുക്കാതിരിക്കുന്ന ഒരുവൻ ഒരു കർഷകനാണെന്നുള്ള ഒറ്റക്കാരണത്താൽ സൗജന്യത്തിനു പാത്രമായിത്തീരുന്നു.

MR. K KUNJUKRISHNA PILLAI (*Quilon I*): ജന്മിക്ക് ആദായം കൊടുക്കേണ്ടാ എന്നു ഇതിൽ പറയുന്നില്ലാ.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies North*) ആദായം കൊടുക്കേണ്ട എന്നു പറയുന്നില്ല. എന്നാൽ ഭാവിയിൽ പാട്ടമിച്ചവാരങ്ങൾ കിട്ടാൻ വളരെ വിഷമിക്കേണ്ടിവരും.

ഈ നിയമം പാസ്സാകുന്നപക്ഷം കുടിശികകേസ് കൊടുത്തു തീർക്കുന്നതിനു കാലതാമസവും അവധിയും അനുവദിക്കും. കുടിശികകേസുകൾക്കു കാലാവധി കിട്ടിയാൽ ഭാവിയിലുള്ള പാട്ടം തരാൻ ഒരുപക്ഷേ സാധിക്കുമെങ്കിൽ തന്നെയും കാലതാമസം വരുന്നതാണ്. കൺസിലിയേഷൻ ബോർഡിൽ ഒരു അപേക്ഷ സ്വീകരിച്ചാൽ രണ്ടു കൊല്ലത്തിനുശേഷം പിന്നെയും അപേക്ഷ സ്വീകരിക്കാമെന്നുള്ളതുകൊണ്ടു ശരിയായ സമയത്തു കൊടുക്കാതെ തവണകളിൽ കൊടുത്തു തീർക്കുന്നതിനു സാവകാശം വാങ്ങിക്കും. ഇങ്ങിനെ വസ്തുവിലുള്ള ആദായം കാലാകാലത്തു കിട്ടാതെ ഉടമസ്ഥൻ വളരെ കഷ്ടപ്പെടേണ്ടിവരുന്നതാണ്.

ഉരാണ്മദേവസ്വങ്ങളുടെ വകയായി ഉള്ള തനതു വസ്തുക്കൾ സാധാരണയായി കാലാവധി വച്ചു പാട്ടത്തിനു കൊടുക്കുകയും ചിലപ്പോൾ കാലാവധികഴിഞ്ഞാൽ മാറിക്കൊടുക്കുന്നതിനുള്ള വ്യവസ്ഥചെയ്യുംആണ് കർഷകനെ ഏല്പിക്കുന്നതു്. പത്തും പന്ത്രണ്ടും വർഷത്തെ കാലാവധിവച്ചു വസ്തു പാട്ടംകൊടുക്കുന്ന ആ നിലയിൽ രണ്ടോ മൂന്നോ വർഷത്തേക്കുള്ള കുടിശികയെ കൺസിലിയേറു ചെയ്താൽ ഭാവിയിലുണ്ടാകാവുന്ന എല്ലാ കുടിശികകളേയും കൺസിലിയേറു ചെയ്യേണ്ടിവരും പാട്ടവസ്തു ഒഴിഞ്ഞുകൊടുക്കണമെന്ന നിർബന്ധവ്യവസ്ഥയില്ലാത്തതുകൊണ്ടു ഭാവിയിൽ പാട്ടത്തുക പിരിഞ്ഞുകിട്ടാൻ വളരെ വിഷമമുണ്ടാകുന്നതാണ്.

LIBRARY ARCHIVES Kerala Legislative Assembly

കാണപ്പാട്ടവസ്തുക്കൾക്ക് ജന്മിക്കരം നിശ്ചയിച്ചിരിക്കുന്നതു് പല രെ തുടരമായിട്ടാണു്. പണ്ടാരവസ്തുക്കൾക്കു സെറിൽമെൻറുകാല ത്തുള്ള പാട്ടത്തുകമുഴുവനും വച്ചിരുന്നു, എന്നാൽ ജന്മിക്കരംസെറിൽ മെൻറു പാട്ടത്തെക്കാൾ വളരെകുറഞ്ഞ തുകയാണെന്നു കണക്കുകൾകൊ ണ്ടു തെളിഞ്ഞിട്ടുള്ളതാണു. എന്നാൽ തുടരമായി നിശ്ചയിച്ചിരുന്ന ജ ന്മിക്കരവുംകൂടി കിട്ടാതിരുന്നാൽ വസ്തു ഉടമസ്ഥനു ജീവിക്കാൻതന്നെ നി വ്വാഹമില്ലാതായിത്തീരുന്നതാണു്. കഴിഞ്ഞ കണ്ടെഴുത്തുകാലത്തു തിട്ടപ്പെ ടുത്തിയതിനേക്കാൾ കൂടുതൽ ആദായം ഇപ്പോൾ ലഭിക്കുന്നുണ്ടു്. പ ണ്ടാരവക വസ്തുക്കൾക്കു മുഴുവൻ പാട്ടവും പൊടുക്കാൻ ന്യായമുണ്ടെങ്കിൽ ജന്മവസ്തുക്കൾക്കു് പാട്ടത്തെക്കാൾ കുറഞ്ഞ ജന്മിക്കരം കൊടുക്കാൻ പാ ടില്ലെന്നു നിശ്ചയിക്കുന്നതു ന്യായമല്ല. തുടരമായിവച്ചിരിക്കുന്ന ആദായ ത്തെ കൊടുക്കാതിരിക്കുന്നതു ആദായം ഇല്ലാത്തതുകൊണ്ടല്ല. ഉദാസീനത കൊണ്ടു മാത്രമാണു്. അതുകൊണ്ടു പാട്ടക്കുടിശികകളെ ഈ ബില്ലിൽ നി ന്നും ഒഴിവാക്കേണ്ടതാണു്.

കാണപ്പാട്ട വസ്തുക്കളുടെ ഉടമസ്ഥത തന്നെ (subject to the pay ment of *jenmikaram*) എന്നാണു് റഫ്രഷനിലേ നിർവ്വചനം. ഉടമസ്ഥ തയുടെ ഒരു അവിഭക്തഭാഗമാണു, ജന്മിക്കരം കൊടുക്കുക എന്നുള്ളതു്. അതു് കൊടുക്കാതിരിക്കുന്നതിനൊ കാലതാമസം വരുത്തുന്നതിനോ പ്രോ ത്സാഹനം നൽകുന്നതു ഈ സഭക്കു ഒട്ടും തന്നെ സാധൂകരിക്കാവുന്ന തല്ല.

ജന്മിക്കരവും കുടിശികകളും വസ്തുവിൽ ഒന്നാമത്തെ ചാർജ്ജ് ആ ണു്. കൃഷിവായ്പ മുതലായ ഗവണ്മെൻറിലേക്കുള്ള കടങ്ങൾ പിൻചാ ർജ്ജാണു്. രണ്ടാമത്തെചാർജ്ജ് ഈടാക്കുന്നതിനു വസ്തു ലേലവും മറ്റും അനുവദിക്കുന്നുണ്ടെങ്കിൽ ഒന്നാമത്തെ ചാർജ്ജ് ഈടാക്കുന്നതിനു അതൊ ന്നും പാടില്ല എന്നു നിശ്ചയിക്കുന്നതു് എത്ര ന്യായത്തെ അടിസ്ഥാന പ്പെടുത്തിയാണെന്നു മനസ്സിലാകുന്നില്ല. അതിനാൽ ഗവണ്മെൻറിലേ ക്കുള്ള കടങ്ങളെപ്പോലെ പാട്ടമിച്ചുവാരക്കുടിശികകളേയും പരിഗണിക്കേ ണ്ടതാണു്.

മറ്റു രണ്ടു കടങ്ങളേയും പറ്റിമുൻപു ഇവിടെ ധാരാളം വാദ പ്രതിവാദം നടത്തിയിട്ടുള്ളതുകൊണ്ടു അതിനെപ്പറ്റി വീണ്ടും പറഞ്ഞു ഞാ ൻ സഭയുടെ സമയത്തെ നഷ്ടപ്പെടുത്തുന്നില്ല. ഈ സഭയുടെ സ്വീകര ണത്തിനായി എന്റെ ഭേദഗതിയെ അവതരിപ്പിച്ചു കൊള്ളുന്നു.

MR. R. SAMBASIVA AIYAR (*Kunnathal II*) I second the amend. ment. In doing so, I only wish to point out that this amendmen, proposes to restore the clause as it was in the draft Bill before it was

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. R. Sambasiva Aiyar.]

altered by the Select Committee. The reasons given by the Select Committee are as follows :

> "The Committee agree that debts due to Government, land revenue and such other items should be excluded altogether from the purview of this Regulation. In regard to the trade debts of an agriculturist, debts due to Co-operative Societies and debts of the nature of rent, it may be that they should not be treated like ordinary advances of loan made to an agriculturist. But there is no reason why they should be excluded from the purview of the provisions for conciliation proposed in Part II of this Bill. On the other hand, it is necessary that the Board should be empowered to deal with all these debts in order that it may propose an equitable adjustment. And the creditors concerned may only be glad to have their claims also settled while the total assets and liabilities of the debtor are being dealt with by the Board ; in any event, the creditor will not be substantially prejudiced as conciliation is voluntary and it is open to him to dissent from the conciliation proposed. In view of these, we propose to recast sub-clause (i) to (vi) as above".

Practically the reasons given are that the creditor could have no objection and that the creditor will not be substantially prejudiced as conciliation is only voluntary and as it is open to him to dissent from the conciliation. Is this a correct statement? My submission is that it is not. If the conciliation proposed is entirely voluntary and the creditor will not be prejudiced, why should this change be proposed? On the other hand, Clause 19 of the Bill proposes a very heavy penalty on the creditor who does not agree to the certificate of the Board. In the first place, he loses costs. Though the general rule of the law is that costs follow the result of the suit, here it is not so. Secondly, he has to lose not merely future interest, but the court can reduce interest from 1-1-1105. The Select Committee has, therefore, absolutely no reason in support of the change they have made. I, therefore, think that the alteration made by the Select Committee is unwarranted and unsupported by the arguments put forward by it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I oppose the amendment. The effect of the amendment is that the three classes of debts which we have been dealing with on the last motion will be excluded even for conciliation provisions.

Now, Sir, I would first of all point out that, when conciliation is proposed, when any person is trying to adjust the assets and liabilities of a debtor, it is necessary for the Conciliation Officer to have in view all the debts of the debtor and also all his assets. In that view, all these debts, namely, trade debts, co-operative debts and the rent debts, should be brought up before the Conciliation Board.

Mr. Sambasiva Aiyar's objection is that conciliation is not voluntary, and, therefore, these debts stand on a different footing. I do not agree with Mr. Sambasiva Aiyar's statement that the conciliation is not voluntary. Conciliation means an arrangement proposed by a Board. That arrangement need not be accepted by a debtor or a creditor The only suffering that he will be put to if he does not accept

LIBRARY ARCHIVES Kerala Legislative Assembly

the arrangement is that he *may* lose the costs of a suit and a portion of the interest. I say he *may*, because that is left to the discretion of the court.

Mr. Nambootiri also stated that the rent is the means of livelihood and as far as possible it should be given to him. That can apply only to current rent; further the necessities of conciliation require that these also should be considered.

MR. T. S. JAYANTAN NAMPOOTIRI (*Travancore Jenmies, North*) : Is there not every probability of postponing payment ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : If there is a Jenmi to whom the rent is the means of livelihood, the Board will naturally ask the debtor to pay it in full. If the Jenmi is a wealthy man, the Board may perhaps say "let him wait". The Board will be able to adjust all these things, look into the individual circumstances and make his award. The Board will look into every circumstance and then only give its verdict. Supposing, after all, a Jenmi cannot accept the conciliation there will be a certificate, which will be considered by a court of law. Thus there is ample safeguard.

The amendment was put to vote and lost.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies, North*) : I demand a poll.

A poll was taken with the following result :

AYES.—7

1	Mr. M. K. Janardana Kamath	4	Mr. K. C. Karunakaran
2	,, J. S. Jayantan Nambootiri	5	,, K. P. Krishna Menon
3	,, T. C. Joseph	6	,, P. C. Narayanan Bhattatiripad
		7	,, R. Sambasiva Aiyar

NOES.—49

1	Mr. N. Abdur Rahiman Sahib	14	Mr. Pottayil S. Krishna Panickar
2	,, K. C. Abraham	15	,, N. K. Krishna Pillai
3	,, T. K. Alexander	16	,, Puthupalli S. Krishna Pillai
4	,, V. T. Chacko	17	,, T. Krishna Pillai
5	,, S. Chattanatha Karayalar	18	,, K. Kunjukrishna Pillai
6	,, K. R. Elenkath	19	,, E. K. Kunjuraman
7	,, Antony George	20	,, P. C. Kuriyan
8	Miss Hepzibah Gnanasikamony	21	,, K. Madhavan
9	Mr. M. Mahomed Haneef	22	,, M. K. Madhavan Pillai
10	,, S. J. Nair	23	,, K. Mahomed
11	,, N. John Joseph	24	,, K. A. Narayana Pillai
12	,, Menatheri N. Kesava Panickar	25	,, Pacode A. Narayana Pillai
13	,, T. T. Kesava Sastri		

LIBRARY ARCHIVES Kerala Legislative Assembly

26	,,	G. Nilakantan	39	,,	T. P. Velayudhan Pillai
27	,,	S. Nilakanta Pillai	40		Rao Bahadur Dr. N. Kunjan Pillai
28	,,	K. Padmanabhan	41	Mr.	T. C. Thommen
29	,,	Kainikkara M. Padmanabha Pillai	42	,,	K. N. Kesava Pillai
30	,,	V. Ramakrishna Panickar	43	,,	C. V. Chandrasekharan
31	,,	K. Sankaran	44	,,	G. B. E. Truscott
32	,,	R. Sivaraman Nair	45	,,	Kayalam Paramesvaran Pillai
33	,,	M. Sivatanu Pillai	46	,,	K. George
34	,,	A. Thanu Pillai	47	,,	M. Govinda Pillai
35	,,	S. Thiraviam Nadar	48		Vaidyasastra Kusala (Mrs) M. Poonen Lukose
36	,,	P. K. Thomas	49	Mr.	R. Pitchu Aiyangar
37	,,	J. W. Tolson			
38	,,	N. E. Varughese			

NEUTRALS.—5

1	Rao Sahib S. Paramesvara Aiyar	3	Mr. R. Raman Pillai
2	Sadasya Tilakan T. K. Velu Pillai	4	,, K. M. Krishnan
		5	,, E. V. Krishna Pillai

The amendment was declared lost.

PRESIDENT : Before we adjourn for lunch, I have to observe that amendments Nos. 47, 47 A, 47 B and 48 are out of order. These amendments seek to impose a charge on the general revenues of the State if they are accepted. Under law, no such charge can be imposed on the general revenues of the State without the previous sanction of the Dewan. In none of the cases I have referred to the sanction of the Dewan has been obtained and these amendments therefore are out of order. The amendment list is being examined carefully with reference to the application of law ; and if more amendments are discovered where previous sanction ought to have been obtained and has not been obtained, they will likewise be ruled out of order.

The House will now adjourn.

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47. MR. A. S. DAMODARAM ASAM :

In Clause 3, sub-clause (1) (a), substitute 'shall" for "may" in line 1.

47. A. MR. V. RAMAKRISHNA PANICKAR

In Clause 3, sub-clause (1) (a), substitute the word "shall" for the word "may" in line 1, and add the words "throughout Travancore" at the end.

47. B. MR. K. R. ELENKATH :

In Clause 3, sub-clause (1) (a), substitute the word "shall" for the word "may" in line1.

48. MR. N. E. VARUGHESE :

In Clause 3, sub-clause (1) (a), substitute the word "shall" for the word "may" in line one, and the words "a board" for the word "boards" in line 4, and add the words "in all the taluks of the State" at the end.

LIBRARY ARCHIVES Kerala Legislative Assembly

The House adjourned for lunch at 1—7 P. M. and met again at 2 P. M., with the Deputy President in the chair.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies, North*): I move amendment No. 38 standing in my name.

DEPUTY PRESIDENT: That is substantially the same amendment which has been moved and discussed. Identical amendments need not be considered.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies North*): There is a difference, Sir.

DEPUTY PRESIDENT: If you will convince me how this amendment is different from the previous one, I can allow you to move it.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies, North*): നെ-ാമത്തെ ഭേഗതി നു തരം കടങ്ങളെയും ഈ റഫ്ലേഷനിൽ നിന്നും ഒഴിവാക്കണമെന്നുള്ളതാണ് ഇതിൽ 'ease transactions' ൽ നിന്നുള്ള കടങ്ങളെ മാത്രം ഒഴിവാക്കണമെന്നേപറയുന്നൊള്ളു.

DEPUTY PRESIDENT: അദ്യത്തെ ഭാഗം നെ-ാമത്തെ ഭേഗതി പോലെയാണ്. അതുകൊണ്ടു അതുഅവതരിപ്പിക്കാൻ പാടില്ല.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I beg to move the last part of amendment No. 39.

In Clause 2 substitute the following:—

"Any debt the amount of which exceeds Rs. 6,000."

My submission is, in the case of agricultural debts, ordinarily, no agriculturist could have borrowed a sum of more than Rs 6,000 for agricultural purposes at any rate. If this amendment is not accepted, the effect of the clause would be to benefit the capatalists and big landlords, who are, strictly speaking, in my opinion, non-agriculturists.

DEPUTY PRESIDENT: How do you make a difference between a wealthy agriculturist and a non-wealthy agriculturist?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): According to the definition of agriculturist that we have passed, it is possible that a sum not exceeding Rs. 6,000 is not required for agricultural purposes.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether a man could be considered as a creditor by the amount of his debts?

MR R. SAMBASIVA AIYAR (*Kunnathunad II*): No man will lend unless the debtor has sufficient assets to pay the debts. It will be conceded that no agriculturist would find it necessary to borrow more than Rs. 6,000 for agricultural purposes at any rate.

MR. K. R. ELENKATH (*Kalkulam I*): Has not economic depression affected the big landlord as well?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): The question here is, if a man is really unable to pay, then some concession should be shown to him. It is not because there is economic depression that we are legislating now. The proper test for affording relief should be: Is the debtor able to pay or not? If he is able to pay his debts, I do not see why the debtor should be given any concession at all. That is the

LIBRARY ARCHIVES Kerala Legislative Assembly

principle underlying this legislation according to me. It is in that view I move the amendment that a debt which exceeds Rs. 6,000 should not be brought within the scope of the Bill and should not be brought within the definition of the term debt. Similar legislation has been enacted in other British Indian Provinces also. Everywhere the idea is to benefit the middle-class agriculturist and not the Zemindari class. It is not the duty of the State either to benefit the big capitalists. The economic depression has affected the doctors, the lawyers and others. All these people are not to be benefited by this piece of legislation. We are legislating only for agriculturists. For which class of agriculturists should it be is the question.

MR. K. R. ELENKATH (*Kalkulam II*): May I know from the member how the State can be affected ?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Contentment and prosperity of the agriculturists of the State are of paramount importance to the State. For this reason I want to limit the term debt by defining it as a debt of less than Rs. 6,000.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I wish to know whether Mr. Sambasiva Aiyar's amendment comes under sub-clause (iv) or is an addition to sub-clauses (*i*) to (*iii*) of 2 (*e*).

DEPUTY PRESIDENT: The words speak for themselves.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): No, Sir.

DEPUTY PRESIDENT: In clause 2 for sub-clause (*e*) (iv), add the following:

"Any debt the amount of which exceeds Rs. 6,000".

MR. A. S. DAMODARAN ASAN (*Mavelikara*): We have decided in Clause 2 that sub-clause (iv) should stand as it is. Now Mr. Sambasiva Aiyar is moving an amendment, *viz.*,

"Any debt the amount of which exceeds Rs. 6,000".

I wish to know whether it is to come above No. (iv) or under No. (iii) of Clause 2 (*e*)

DEPUTY PRESIDENT: That question is quite plain. Mr. Sambasiva Aiyar's amendment is this. In clause 2, for sub-clause (*e*) (iv), substitute the following:

"Any debt the amount of which exceeds Rs. 6,000".

By no stretch of imagination can this be promoted to a higher place. Therefore Mr. Sambasiva Aiyar takes his chance under that particular sub-clause (*e*).

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): Will not the object of the member be attained by the provision contained in 3 (1) (*c*) *viz.*, that Government may determine the pecuniary jurisdiction of any Board ?

DEPUTY PRESIDENT: Mr. Sambasiva Aiyar is quite in order.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I know from the member whether this amendment is necessary even for purposes of Part 2?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : Yes. In this connection I shall read a relevant passage from the report of the Economic Depression Enquiry Committee.

> "Further, in an agricultural country like Travancore, it is the agriculturist who provides employment and the main source of wealth to the rest of the population and he is the principal contributor to the resources of the State. His contentment and prosperity as well as the improvement of his buying power and standard of living will redound to the prosperity of all the trades and professions. The agriculturist has, therefore, the predominant claim for relief. At the present time, he finds himself severely hit."

It is clear from this that the claim of the agriculturist is more important and he stands in need of relief. It is on this ground, the Debt Redemption Committee have recommended that concessions should be shown to the agriculturists. A lot of communities has come for relief but among them the agriculturist's lot is the one which receives attention. If the State were to give relief to all persons who were hit hard on account of economic depression, there is no end for that. Such is not the idea of the State also.

DEPUTY PRESIDENT : There is some difficulty in this amendment in regard to the working of it. You say any debt exceeding Rs. 6,000 must not be taken into consideration. There may be difficulties with regard to the ascertainment of the amount of debt. The actual debt could be found only after a certain stage in the proceedings, so that, when a party moves the board, the board will be at a disadvantage. For instance, the amount under interest may be Rs. 2,000 and the principal may come to Rs. 5,000. In that case, in the ascertainment of the amount, will it not work some difficulty, because the word debt may include principal and interest. Is not that practical difficulty?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : Apparently on the face of the petition it must be stated that the amount is below Rs. 6,000. Then that man will move the board for conciliation. He will adduce evidence in support of it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Suppose the debt is Rs. 6,500. Is it open to the creditor to relinquish Rs. 500 and bring it down to Rs. 6,000?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : Yes, that can be done. Or it is open to the debtor to pay Rs. 500 and then come to the Board. Then it is for the Board to take into consideration the fact that he has paid Rs. 500 and decide whether any concession should be given to him. My submission is that nobody is prejudiced, at least the debtor, at any rate. There is no difficulty about that. But we are anticipating very rare contingencies.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies North*) : I second it.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. N. E. VARUGHESE (*Tiruvalla I*): സർ. ഞാൻ ഈ ഭേഗതിയെ എതുക്കുന്നു. ഒരു വൃക്ഷം ജനങ്ങൾക്കു എതുപ്രകാരത്തിൽ തണൽ നൽകുന്നുവൊ അതുപോലെ ഓരോ സ്ഥലത്തുമുള്ള ധനവാന്മാരാണ് ആ വിടങ്ങളിലുള്ള സാധുകർഷകർക്ക് തണൽ നൽകുന്നതു്. വൃക്ഷങ്ങളിൽ നിന്നും ചെറിയതരത്തിലുള്ള ഉപദ്രവങ്ങൾ ഉണ്ടായേക്കാം. എന്നിരുന്നാലും അതു് നൽകുന്ന തണലിനെപ്പറ്റി ആലോചിക്കുമ്പോൾ ആ വൃക്ഷങ്ങളുടെ ഇലകൾ കൊഴിഞ്ഞുപോകാതേയും അവയ്ക്കു കേടുപാടുകൾ വരാതെയും സംരക്ഷിച്ചുകൊണ്ടു പോകേണ്ടതു ആവശ്യമാകുന്നു. അതുപോലെതന്നെ സ്വത്തുള്ളവരും ധാരാളം സ്ഥലങ്ങൾ കൃഷിനടത്തുന്നവരും സാധുക്കൾക്കും കൂലിവേലക്കാർക്കും പലതരത്തിലുള്ള ഗുണങ്ങൾ നൽകികൊണ്ടിരിക്കുന്നവരുമായ ഈ കൂട്ടർ രാജ്യത്തിനു ഒരു അലങ്കാരമാണു്. അവരെയും രക്ഷിക്കേണ്ടതു രാജ്യക്ഷേമത്തിനു ഏറ്റവും അത്യാവശ്യമാണു്. അധഃപതനം നിമിത്തം കൂടുതൽ പ്രയാസങ്ങൾ അനുഭവിക്കുന്നവരും ഈ തരക്കാരാകുന്നു. അവർക്കു യാതൊരു ആനുകൂല്യങ്ങളും ചെയ്തുകൊടുക്കാതെ അവർ നശിക്കുന്നതിനു് ഇടയായിത്തീരുന്നതു് രാജ്യക്ഷേമത്തിനു വലിയ ദോഷമാണു്. ആയതിനാൽ ഈ ഭേഗതിയിൽ അടങ്ങിയിരിക്കുന്ന തത്വത്തോടു യോജിക്കാൻ യാതൊരു നിവൃത്തിയുമില്ല.

MR. K. R. ELENKATH (*Kalkulam I*): I rise to oppose the amendment. The main ground on which my friend Mr. Sambasiva Aiyar based his argument was that if lands change hands from big land-lords it is not going in any way to affect the interests of the State. I am of opinion that it will affect more the interests of the State than if the small land-lords' properties changed hands. In the case of small agriculturists, it is they themselves that do the cultivation and other works. But take the case of big agriculturists. Those agriculturists might have borrowed money from a bank or from big capitalists who are not interested in agriculture. Big capitalists who lend money on the security of land will for the realisation of the amount secure properties and he will have no interest at all in its cultivation. He will consider the land as a mere security and he will try to dispose it off to anybody who will pay the money. I am of opinion that the other case is demanding more attention. Even the small agriculturist and the big capitalist should concentrate their attention on the industry which is their main stay and occupation. Take, for example, the case of planters. Many of them have borrowed money from big companies who have no interest in the cultivation of the land in Travancore. They have lent money on the sure hope that they can realise their money from the proceeds of the land. When as a result of the economic depression they are not able to get their instalments regularly, the

LIBRARY ARCHIVES Kerala Legislative Assembly

only remedy for them is to dispose of their lands in favour of some coastal firms which have no interest in the cultivation of the land. If they were also included, then they will be able to pay off the amounts. On those grounds, I oppose the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment. It may perhaps be correct in some sense to say that the small agriculturist deserves more sympathy than the large debtor. But having regard to the relief proposals I think that some are more appropriate to the large debtor than to the small. The reliefs proposed are firstly the conciliation method, secondly the instalment system and thirdly the reduction of interest. In regard to conciliation, how can anybody's affairs be conciliated unless all debts are brought into it, the small debt and the large debt? The creditor is not of course bound to accept the decision of the board. After all, the penalty that is imposed is the forefeiture of cost and a portion of the interest. In regard to instalment system, it is the large debtor that stands in greater need of this relief. In regard to interest, it is the large debtor that stands in need of reduction, equally with the small debtor. Perhaps the large debtors require it more.

DEPUTY PRESIDENT: Do you press your amendment, Mr. Sambasiva Aiyar?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I am not very particular.

DEPUTY PRESIDENT: Does the House allow the member to withdraw his motion?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I oppose it.

The motion for withdrawal of the amendment was put to vote and lost.

The amendment was then put to vote and lost.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Sir, I beg to move the following amendment:—

In Clause 2 sub clause (f) add "but shall not include a person whose total debts exceed Rs. 10 000."

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I rise to a point of order. This motion is substantially identical with those we have already discussed, the point being that there must be a limitation of the debts with regard to the operation of this Regulation. There is not much difference between the two amounts. The real point has been decided by the House.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): There the amendment was in the definition of the debt as to whether, when the amount exceeds Rs. 6,000, it should be considered as a debt for the purpose of the Regulation. But here we are defining the term 'debtor'. If a person has debts exceeding Rs. 10,000, then he may not be considered to be a debtor at all.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I think Mr. Sambasiva Aiyar's present amendment is substantially different from the other, although nothing new may have to be mentioned by way of argument. The other amendment was dealing with each debt and here we are considering the total amount of debt.

DEPUTY PRESIDENT: The former amendment related to the extent of the particular debt. This is with regard to the qualification of a person to be called a debtor and therefore it is different. Mr. Sambasiva Aiyar may therefore move his amendment.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I do not want to argue at length any reasons for this amendment, for arguments have already been advanced in support of this in another connection before the House. I have to add only one point more. In the Punjab, the amount fixed is Rs. 10,000. There is a definite limit to the amount that is owing by a debtor in order to enable him to claim any of the reliefs enacted. So also in other parts of British India, a limit has been fixed. In Mysore, there is a definite limit. If the amount of debt exceeds a particular amount, the person ceases to be a debtor for the purpose of the Regulation. Such definite limitations have been imposed elsewhere. I do not see why such a definite limit should not be imposed in Travancore also. Here the persons who will be prejudiced by the imposition of this limit are very few and such persons are very heavily indebted. Why should the State show any sympathy to them? It will be easier also from another point of view. If the State undertakes to finance any conciliation scheme by paying the amount from the State Land Mortgage Bank, it would then be much easier to redeem the conciliated debts. It will be within the ability of Government to solve the problem by financing the scheme by paying off the creditor his dues. But under the present definition, how can Government do any help to the debtor, even if he is anxious to conciliate his debts?

DEPUTY PRESIDENT: But the apex will be certainly narrower than the base.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Therefore my submission is that a limit of Rs. 10,000 should be fixed.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies, North*): I second it.

MR. K. R. ELENKATH (*Kalkulam I*): I oppose the amendment for the reasons already stated.

MR. P. C. KURIYAN (*Kottayam I*): I oppose the amendment. Mr. Sambasiva Aiyar has not made out any case for the acceptance of the amendment. When we are going to give some reliefs to some agriculturists, I do not know how we are justified in fixing a limit. When we are going to be generous why not we be generous to all the agriculturists? In these matters we have to look into the position of the creditor also. In the case of small debts it is considered that it may not be generous from the creditors' point of view to give some relief to the debtor. But this is considered not generous in the case of large

LIBRARY ARCHIVES Kerala Legislative Assembly

debts owing to big money lenders who do not stand to lose by reducing some interest or making payment in instalments. It is only the huge capitalist who can afford to lose some portion. It is true that, when the amount of investment goes high, the interest goes down and the interval of payment in instalments is invariably high. With these words, I oppose the amendment.

DEPUTY PRESIDENT: Do you press the amendment ?

MR R. SAMBASIVA AIYAR (*Kunnatnad II*): I beg leave to withdraw.

The amendment was, by leave of the House, withdrawn.

DEPUTY PRESIDENT: I think we have got to the end of the list of amendments tabled on Clause 2. Clause 2 as appears in the Select Committee's Bill has been changed by the vote of the House in this manner : –

> In sub-clause (a) (ii), line 2, substitute a semicolon for the comma occurring after the word ", agriculture" and begin the portion "and every person etc.," in a new line.
>
> In sub-clause (a) (ii), substitute the words "every junior member who as such becomes jointly liable with the Karanavan or manager who is an agriculturist for the purpose of making the debt incurred binding on the Tarwad or joint Hindu family" for the words "every person who is liable jointly with an agriculturist, for any debt of such agriculturist, otherwise than as a surety" in lines 2 and 3.

The question now is whether Clause 2 as amended do stand part of the Bill.

The question was put to vote and Clause 2 as amended was added to the Bill.

Clause 3.

DEPUTY PRESIDENT: The next two amendments are one by Mr. Sambasiva Aiyar and the other by Mr. K. Padmanabhan. I am inclined to the view that those motions if made will not be in order. The amendments should relate to particular Sections and not to Chapters. To particular clauses amendments may be proposed ; but I do not find any rule to say that amendments may be proposed to the whole Chapter.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): With regard to that I may say, Sir,—

DEPUTY PRESIDENT: I shall certainly give an opportunity to Mr. Sambasiva Aiyar to explain and if fresh facts are placed before me, I am quite prepared to reconsider that. At present I am of the opinion that this is not in order because these amendments are made to Part II of the Bill and not to any clause.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I want to make this point clear. I had tabled amendment No. 16 for the deletion of sub-clause (c) of Clause 2 with reference to the definition of the term "Board". When we defined the term "Board", I did not want sub-clause (c) at all because I did not want the whole of Part II. When

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. R. Sambasiva Aiyar.]

the whole of Part II was proposed to be deleted under my amendment No. 44, I thought there would be no necessity for the definition of the term "Board". Then the President ordered that I may move that amendment along with amendment No. 44 and that the whole of Part II might then be moved.

DEPUTY PRESIDENT: I wish to see the text of the President's ruling. Of course it will take some little time. But, however, if a responsible statement can be made by the Secretary, I am prepared to consider that.

(The Secretary declined to make any statement.)

MR. K. PADMANABHAN (*Chirayinkil I*): Mr. Sambasiva Aiyar, I think, is not quite correct. When his amendment No. 16 was called, he himself made a suggestion that, since he has tabled another amendment, *viz.*, No. 44 which is for deleting the whole of Part II, he was not moving that amendment and he should be permitted to move amendment No. 44, and the Dewan said "Yes".

The next amendment No. 17 was mine and that was also not allowed to be moved on the same ground.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The objection to the present motion that you pointed out was that his amendment must relate to some clause. Such an amendment as "delete Part II" is not permissible, because, once a Bill is taken into consideration, it has to be put clause by clause. If it is the heading that is to be omitted it is in order. But to omit all the Clauses 3 to 32 should not go as one amendment. That is the objection to the amendments 44 and 45.

MR. A S. DAMODARAN ASAN (*Mavelikara*): Rule 99 at page 36 of the Manual says:—

> "When a motion has been agreed to by the Assembly that a Bill be taken into consideration, any member may propose an amendment of such Bill."

The present amendment of the Bill is that Part II be deleted. The objection pointed out by the learned Law Member is with reference to Rule No. 101 where it is stated:—

> "Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate and in respect of any such clause a motion shall be deemed to have been made 'that this clause stand part of the Bill.'"

That appears to be the rule to which the Law Member has drawn the attention of the House. It is stated there "amendments shall *ordinarily* be considered". Probably it will be out of order to say that Part III must be deleted when we are at Part II. But when we are in Part II, I think it is quite in order to say that Part II be deleted.

DEPUTY PRESIDENT: Let me see the text of the ruling.

For the information of the House, I wish to read the following brief extract from the authorised version of the proceedings:

LIBRARY ARCHIVES Kerala Legislative Assembly

"By MR. R. SAMBASIVA AIYAR (*Kunnathad II*):
In Clause 2, delete sub-clause (*c*) and re-number the subsequent sub-clauses appropriately."

"PRESIDENT: Now the point for consideration is whether the other amendments to clause (*c*) do not drop out.

MR. R. SAMBASIVA AIYAR (*Kunnathad II*): I wish to make a statement with regard to my amendment No. 16. My amendment is that the whole Clause be deleted. In fact that is connected with amendment No. 44 which is for the deletion of the whole of Part II. If Part II is deleted, Clause (*c*) will also be deleted. But if it is to remain Clause (*c*) must remain. That is the position.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The member can oppose each provision of Part II when it comes up.

PRESIDENT: Next one please."

I do not find in this any definite ruling by the President that Mr. Sambasiva Aiyar shall be at liberty to make motion No. 44. What we find in the proceedings is this. Mr. Sambasiva Aiyar explains his position. The Law Member then says that Mr. Sambasiva Aiyar may make the appropriate motion when Part II is taken up. He says:

"The member can oppose each provision of Part II....."

MR K. PADMANABHAN (*Chirayinkil I*): Is it "provision" or "provisions"?

DEPUTY PRESIDENT: 'Provision' or 'provisions', it is all the same here.

MR. K. PADMANABHAN (*Chirayinkil I*): No, Sir; it will make a lot of difference.

DEPUTY PRESIDENT: I am sorry that Mr. Padmanabhan should be out of order in that fashion. 'Provision' is the word that occurs in the proceedings. Mr. Padmanabhan thinks that he has a legitimate grievance; and I am prepared to give him an exceptional treatment since the matter is very important. I shall certainly be glad to hear him if he has anything to say on the question whether 'provision' is different, in this case, from 'provisions'. Although it may mean some time, whatever may be the dilatoriness of the procedure, we have to do things in a proper fashion. Mr. Padmanabhan may explain the difference between "provision" and "provisions" even before the Law Member explains his position.

MR. K. PADMANABHAN (*Chirayinkil I*): Sir, we are now dealing with a very important principle contained in this Bill. *viz.*, as to whether the scheme of conciliation, as proposed in Part II of this Bill, should be had or not. That is the fundamental principle involved in this Bill. It is therefore only fair that members are given reasonable opportunity to discuss the question.

DEPUTY PRESIDENT: That is a matter of expediency with which we are not now concerned.

MR. K. PADMANABHAN (*Chirayinkil I*): This amendment, which stands in the name of Mr. Sambasiva Aiyar, was, if I remember right, reserved—

LIBRARY ARCHIVES Kerala Legislative Assembly

DEPUTY PRESIDENT: Mr. Padmanabhan, you cannot say that because here is the authorised report before us: any statement based on individual memory cannot count in preference to this. Presumption of a very serious character attaches to the authorised report. So, Mr. Padmanabhan's efforts will be in vain if he thinks that he can prove that this is not correct.

MR. K. PADMANABHAN (*Chirayinkil I*): Sir, is it not the shorthand reporter's version?

DEPUTY PRESIDENT: The law invests the shorthand reporter's version with a certain presumption which, in some countries—I may inform Mr. Padmanabhan—is even conclusive. If a member thinks that his speech has not been rightly reported and that he spoke rightly, the presumption is that the member did not speak rightly and that the report is correct.

MR. K. PADMANABHAN (*Chirayinkil I*): Is there not the practice here of sending copies of the report to the members for correction?

DEPUTY PRESIDENT: That is done as a matter of grace, and that for making mere verbal alterations. The reports are also perused by a responsible officer of the Government, *viz.*, the Secretary to this Assembly; and it has been handed over to me in this open Assembly, by that responsible officer, as the authorised version of the proceedings. I therefore hold that it is a document of a solemn character in the sense that you cannot suggest any variation to what is contained in it.

MR. K. PADMANABHAN (*Chirayinkil I*): Sir, in regard to the difference between 'provision' and 'provisions', when the Law Member states that the amendment could be moved when we take up the provision of Part II, it certainly means, it seems to me, Sir, that the whole of Part II is meant. On the other hand, if he had said "provisions of Part II", it could be taken that he meant the several clauses contained in Part II. I think, Sir, that it would make a lot of difference if the word is "provisions" and not "provision."

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I crave your indulgence, Sir, and request you to peruse the report of the proceedings still further down. Then, the Law Member has definitely stated, and the President also has ruled, that I will be allowed to move for the deletion of the whole of Part II.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I submit, Sir, whether the question cannot be disposed of on its own merits now, apart from what took place here yesterday? Is it not possible for us to decide now whether the amendment is admissible or not?

DEPUTY PRESIDENT: I can never make up my mind to fight shy of my responsibilities which I always consider as independent. At the same time if I find that an undertaking of some character, of some force was given by the gentleman who occupied the Chair yesterday, I am in duty bound to respect what he has said I am therefore trying to find out what was it that the President actually said. It binds me in this sense that, although it is possible for me to consider the question on its merits and to come to a decision, it is still my duty to respect the opinion that has been expressed yesterday from the Chair. I am now at ascertaining what the fact was.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I request the Chair to peruse the report of the proceedings of yesterday still further down; because, if I remember right, the Dewan-President has stated in connection with the amendment No. 17 which was in substance the same as my amendment No. 16, that it can be taken up along with the amendment that I now want to move.

DEPUTY PRESIDENT: I may inform you, Mr. Sambasiva Aiyar, that I do not find any such statement here.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the question is whether amendment No. 44 is admissible or not in the light of what took place here yesterday. The amendment relates to the whole of Part II of the Bill and not to any specific Clause. The rule is that amendments can be moved only to any specific Clause. Standing Order 25 says that an amendment must be relevant to and within the scope of the subject-matter of a Clause or within the scope of the motion to which it relates. An amendment therefore must relate to some Clause. It is laid down in another Standing Order that in regard to every Clause of a Bill the question shall be deemed to have been put that the Clause do form part of the Bill. It will be impossible to go on that basis if this amendment is allowed to be moved. Standing Order No. 44 says:

> 'Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate, and in respect of any such clause a motion shall be deemed to have been made 'That this clause stand part of the Bill.'

Now, it should be deemed that I have placed before the House the motion that Clause 3 do stand part of the Bill. So, the amendment must relate to Clause 3.

Apart from that techinical aspect of the question, Mr. Sambasiva Aiyar really wants an opportunity to discuss the principle involved in the provisions contained in Part II. I may point out to Mr. Sambasiva Aiyar that he can do it by merely moving the deletion of Clause 3; because, if Clause 3 goes, the subsequent Clauses in Part II must also go consequently

MR. S. J. NAIR (*Nedumangad*): On a point of order, Sir. If it is not possible to move to delete the whole of Part II, may I ask how the motion to drop the whole Bill was allowed at the outset? The President has allowed Amendment No. 1 to be moved and discussed.

DEPUTY PRESIDENT: What the President did the other day is not subject to review now.

MR. S. J. NAIR (*Nedumangad*): A practice to be followed again.

DEPUTY PRESIDENT: I am quite independent of that. But I wish to know from the Law Member whether there is any provision in the rules or Standing Orders to the effect that an amendment shall be only with respect to a particular clause or clauses.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I would draw attention to Standing Order 25 (para 68) at page 26 of the Manual and also to Standing Order 44 (para 101) at page 36. Standing Order 44 reads:—

> "Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate, and in respect of any such clause a motion shall be deemed to have been made 'That this clause stand part of the Bill"

When an amendment is moved by any member, it must be an amendment to some principal motion. What is the principal motion here? Standing Order says that a certain motion shall be deemed to have been made. Assuming that a motion is made, the motion can only be that Clause 3 shall stand part of the Bill or that the heading of Clause 3 shall stand part of the Bill. The amendment then can only be for the deletion of either Clause 3 or of the heading. But that the whole of Clauses 3 to 32 shall stand part of the Bill is not a motion made by me or one which is deemed to have been made by me. Further, it is very inconvenient also; and it is not possible for the House to debate on such an amendment satisfactorily or to come to a conclusion on it by a single vote.

DEPUTY PRESIDENT: A point of more than ordinary difficulty has arisen and I must thank such of the members as have spoken on the subject to enable the House and me to understand the matter properly. I must say that, from the extract which was read out to the House by me, the words are such that two views may be taken about it. It was more or less an informal suggestion which was informally accepted so that its scope has to be considered with reference to the provision in the Rules and Standing Orders. At page 26 of the Manual in para 68 (S O 25) it is said—

> "An amendment must be relevant to, and within the scope of, the subject-matter of the clause or motion to which it relates."

Even if the statement made by the Law Member is accepted for all purposes and taken to its logical consequences it is seen that Clause 3 deals with this matter. It reads—

> "Our Government may, for the purpose of amicable settlement between debtors and their creditors and among the creditors *inter se* if there be more than one creditor of the same debtor (hereinafter called conciliation) establish debt conciliation boards."

The rule as to amendments as seen from Standing Order 25 (para 68) at page 26 is that an amendment must be relevant to, and within the scope of, the subject-matter of the clause or motion to which it relates. Mark the words *the subject-matter of the clause* and not *the clause*. At page 36 the rule referred to by the Law Member and the other members who spoke is paragraph 99 (S. O. 42) which reads—

> "When a motion has been agreed to by the Assembly that a Bill be taken into consideration, any member may propose an amendment of such Bill."

And paragraph 101 (S. O. 44) reads—

> "Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate, and in respect of any such clause a motion shall be deemed to have been made 'That this clause stand part of the Bill."

LIBRARY ARCHIVES Kerala Legislative Assembly

Now when a motion has been agreed to by the Assembly that a Bill be taken into consideration any member may propose an amendment. That taken along with Standing Order 25 that an amendment must be relevant to and within the scope of, the subject-matter of the clause or motion to which it relates, I think Mr. Sambasiva Aiyar's motion relates to the subject-matter of Clause 3 and the word used in Standing Order 44 is that an amendment shall ordinarily be considered in the order of the Clauses of the Bill to which it relates. So I am unable to find any prohibition against the position now taken by Mr. Sambasiva Aiyar, and so far as I can see from the language used by the members who made the application and by the President who gave the ruling on a former occasion I think it lends support to the view that I have already expressed. I think therefore that Mr. Sambasiva Aiyar's motion is in order.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I move: the *whole of Clauses 3 to 25 be deleted*;

I submit, Sir, that there is no case for any debt conciliation in Travancore. Conciliation as a method of debt relief has been adopted by means of legislative enactments in the Bhavanagar State, in the Punjab in the Central Provinces, in Mysore and latterly in Madras. I am aware of that. I am also aware that the Royal Commission on Agriculture presided over by no less a person than Lord Linlithgow, the present Vicercy and Governor-General of India, have recommended that conciliation boards might be tried in areas where the debt is known to be beyond the capacity of the debtor to pay. The Indian Banking Enquiry Committee have also recommended that this problem of indebtedness could be tackled by conciliation between the creditors and debtors with the object of securing a sort of settlement of the existing debts. But, Sir, the underlying idea of debt conciliation, wherever it has been recommended, is that the weight of the accumulated debt should be so heavy that payment is beyond the capacity of the debtor. It is then that the creditor and the debtor must be brought together.

DEPUTY PRESIDENT: From the ruling given, you have seen that the object of it is to enable a discussion of the principle of conciliation. Your amendment is to delete the whole of Part II. Cannot you modify the wording suitably?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I must have a direction as to the clause to which the amendment relates and I should know what it is that I have to oppose.

DEPUTY PRESIDENT: As regards that, I do not propose to give a ruling, because I have definitely said what I felt on the subject. Mr. Sambasiva Aiyar will be in order if he discusses the principle of the conciliation. I was just asking him to change the wording of his amendment because when we are at clause 3 it may not be proper to move an amendment for dropping the whole of Part II.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. THANU PILLAI (*Trivandrum-Rural*): Can it not be that the amennment might be taken to be to this effect that Clause 3 be deleted?

DEPUTY PRESIDENT: I am asking Mr. Sambasiva Aiyar, if an amendment in suitable words could be put before the House so that it may be considered.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I wish to move that all the Clauses from 3 to 25 be deleted.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Will it be enough if the amendment is to take away the heading Part II alone?

DEPUTY PRESIDENT: That was why I said if he is prepared to word his amendment suitably.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I shall now move that the whole of Clause 3 be deleted.

DEPUTY PRESIDENT: Then as the Law Member suggested you could have opposed the inclusion of Clause 3 and given a reason.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): With regard to the deletion of Clause 3, the member has to oppose it when that Clause is put to vote.

DEPUTY PRESIDENT: Mr. Asan's saying that has not got more effect than my saying it. The proper thing for him is to have accepted the advice given by the Law Member. My ruling is that Mr. Sambasiva Aiyar's position will be in order if the question of conciliation is discussed. I clearly said that. For that alone I asked him to change the wording of the motion suitably. Mr. Sambasiva Aiyar still says 'delete the whole of Part II.' That cannot be done. If, in the light of the exceptional circumstances detailed already, Mr. Sambasiva Aiyar is prepared to word his amendment in a proper form, I am prepared to allow him to speak.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Sir, my amendment is that all provisions which relate to debt conciliation be deleted. Further I submit to the Chair that, if the Chair suggest any sort of amendment which will suit the purpose, I am prepared to accept it. At present my amendment is that all clauses in Part II that relate to debt concilation be deleted.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): If it is the object of the member to delete all these clauses, my submission is that amendments to particular clauses must first of all be considered and after that we can oppose the whole clause.

DEPUTY PRESIDENT: For exceptional reasons we have already taken much of the time of the House; and let us not take more of it. It was distinctly stated that the question of conciliation which is a very important one has not been discussed and an opportunity was prayed for to have that discussion pursued. Therefore it was pointed out by me that Mr. Sambasiva Aiyar may raise that point under Clause 3;

LIBRARY ARCHIVES Kerala Legislative Assembly

and I distinctly read out the appropriate sections relating to amendments. It comes within the subject-matter of Clause 3. Mr. Sambasiva Aiyar would have been in order if he considered the question of conciliation. But now he says that all the Clauses of Part II should be deleted. That will be clearly out of order.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): With the permission of the Chair, I may be allowed to amend my amendment.

DEPUTY PRESIDENT: The point has been threshed out. I gave Mr. Sambasiva Aiyar the advantage of the most liberal view which the Chair may take in construing the Rules and Standing Orders. More than once, I pointed out to him that if the amendment is in this form, it will be out of order. But he was going on saying "Delete Part II" in spite of repeated reminders to the contrary. At this stage, therefore, I am not inclined to allow him any further indulgence. His amendment is out of order.

MR. K. PADMANABHAN (*Chirayinkil I*): I request the permission of the Chair to move my amendment.

DEPUTY PRESIDENT: What is the form of your amendment.—

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the member whether he could not amend it in this way?

DEPUTY PRESIDENT: Mr. Sivatanu Pillai is not in order.

MR. K. PADMANABHAN (*Chirayinkil I*): Will I put it in order if I say that Clause 3 be deleted?

DEPUTY PRESIDENT: No seperate motion is required for that. When Clause 3 is put, you can vote against it. You will have to wait till then.

MR. P. C. KURIYAN (*Kottayam I*): If the amendment is passed, there will be no necessity for further amendments.

DEPUTY PRESIDENT: I know that. I hold that amendments Nos. 44 and 45 are out of order.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): My amendment (No. 47 in the list) was ruled out by the President as out of order.

DEPUTY PRESIDENT: That was a ruling given by the Chair in advance. I do not propose to allow Mr. Asan now to question that ruling. I expect Mr. Asan will raise this point tomorrow when the President is in the Chair, for, although I can have my independent judgment in this matter, I do not propose to review a decision already passed in the present circumstances.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): If the President gives a ruling in my favour, then, I suppose I can move this amendment at that time?

DEPUTY PRESIDENT: That is between you and the President.

MR. K. R. ELENKATH (*Kalkulam I*): I move the following amendment:

"In Clauses 3, sub-clause (1) (*a*), *add the words "throughout the State" at the end."*

LIBRARY ARCHIVES Kerala Legislative Assembly

The clause as amended will read thus :

"3. (1) (a) Our Government may, for the purpose of amicable settlement between debtors and their creditors and among the creditors *inter se* if there be more than one creditor of the same debtor (hereinafter called conciliation) establish debt conciliation boards *throughout the State.*"

The object of my amendment is that the benefit of this Regulation should be extended to all parts of the State.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : May I know whether there is anything prohibiting that ?

MR. K. R. ELENKATH (*Kalkulam I*): As it is, it is within the discretionary power of the Government to establish debt conciliation boards in particular areas. They can establish them in one or two areas as they think it necessary.

MR. M. SIVATANU PILLAI (*Tovala*): May I ask what the member means by 'throughout the State'?

MR. K. R. ELENKATH (*Kalkulam I*) : The whole area of the State should be brought within the compass of this Regulation. That is my point.

DEPUTY PRESIDENT : That is to say, according to you, every subject of His Highness the Maharaja should have a right to appear before the conciliation boards ?

MR. K. R. ELENKATH (*Kalkulam I*) : Yes, Sir.

MR. P. C. KURIYAN (*Kottayam I*) : On a point of order. The Bill is intended for agriculturists and not for every subject.

DEPUTY PRESIDENT : Mr. Kuriyan, please do not raise such points of orders. They have no substance in them.

MR. K. R. ELENKATH (*Kalkulam I*): In view of the fact that a period of three years has been put in, Government may as an experimental measure appoint two or three officers and after considering the working of these boards drop the whole question. They may not extend the boards to other areas.

MR. K. PADMANABHAN (*Chirayinkil I*) : I rise to a point of order. His amendment is intended to ask that the benefits of the Conciliation Boards are extended throughout the State. In the light of the President's ruling this morning, I submit that this motion should also be held to be out of order, because this amendment implies an additional charge upon the revenues of this State. More Officers will have to be appointed ; that means additional charge on the revenues of the State. For that, the permission of the Dewan has to be obtained. The permission has not been obtained ; so this is out of order.

DEPUTY PRESIDENT : The motion is not out of order for the following reasons. In the amendments which have been ruled out of order by the President, namely, Nos. 47, 47 A, and 47 B, the word used is "shall". On the other hand, in this amendment, the word used is "may". A charge on the revenues of this State of the nature apprehended by Mr. Padmanabhan is not contemplated there.

LIBRARY ARCHIVES Kerala Legislative Assembly

When the Government introduced this Bill, it was certainly understood that there would be some expenditure. Because the Government were prepared to face the situation and sanction the necessary funds, this Bill is being pushed through. If you use the word "shall" it means that Government is under a positive obligation to spend more money, which they may or may not do. The word "may" puts a different complexion altogether upon this question. Therefore, I am of opinion that no charge is created on the Government revenues by this amendment. Hence the permission of the Dewan is not necessary.

MR. K. R. ELENKATH (*Kathulam I*): My amendment is intended to express the view of the Legislature that there should be Conciliation Boards and Conciliation Officers throughout the State. No agriculturist who resides in any part of the State should be left out. Therefore, I move the amendment.

MR. A. EASWARA PILLAI (*Kottarakara*): I second it.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): I may be permitted to move my amendment which runs as follows:

"In Clause 3, sub-clause 1 (a) add the words "for every part of the State simultaneously" after "boards" in line 4".

DEPUTY PRESIDENT: Cannot you make an arrangement between you? Mr. Elenkath, do you agree to Mr. Krishna Pillai's amendment? He says that the word "simultaneously" also may be added.

MR. K. R. ELENKATH (*Kalkulam I*): I agree.

MR. T. KRISHNA PILLAI (*Neyyattnkara II*): Sir, Debt Conciliation Boards have been established in other parts of India and they have been working satisfactorily.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is it the idea of Mr. Krishna Pillai that Government may establish Debt Conciliation Boards only provided they establish them *simultaneously* throughout the State? Is that his idea? Otherwise his amendment does not change the meaning of the Clause.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): The boards will have to be established in very part of the State. We are really convinced that, out of this measure, some good will accrue to the agricultural population in general, and I wish, therefore, that every possibility is given for establishing boards as speedily as possible. If the power of estatablishing these boards is entirely left to the discretion of Government, it is likely that Government may or may not establish boards due to financial as well as other considerations. It is also likely that the Government may select certain areas and establish boards in those places alone.

DEPUTY PRESIDENT: Even if your amendment is accepted, a discretion rests with Government. Therefore where is the force in your argument? The word used is "may" which means the Government may or may not.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : But I have added the word " simultaneously "

DEPUTY PRESIDENT : Then the clause will read as our Government may ..... establish debt conciliation boards simultaneously throughout the State. The interpretation will be, " may or may not simultaneously. "

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : My point is that piecemeal execution of this measure will not benefit the people to any great extent. That is the motive with which I am moving the amendment. In this connection, I shall draw the attention of the House to what took place in the Central Provinces. Certain discretionary powers were conferred by the Legislature on Government. After passing the Act and establishing boards in only selected centres, the result was that the money lenders stopped all on a sudden financing the agriculturists. Also persons who were averse to taking legal steps hastened to do it vigorously. Those debtors who were competent to pay up the debts withheld their payments. In the same way, here also, as the measure is on the legislative anvil, creditors are already up to take legal steps against the debtors. Those people who are competent to pay are also withholding payment. I also understand that loans already advanced from the Land Mortgage Bank are not being drawn and-----

DEPUTY PRESIDENT : But does the addition of your word 'simultaneously' change the position of Government ?

MR. T KRISHNA PILLAI (*Neyyattinkara II*) . These are certain grave dangers- —

DEPUTY PRESIDENT : But we are concerned with the operation of the new wording. Does it create further obligation on the part of Government to establish boards?

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : The Government may or may not establish boards but once they do it they will have to establish it throughout the State simultaneously.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I know from the member whether there is anything preventing Government from establishing boards simultaneously ?

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : I am only drawing the attention of the Government to the grave dangers that we will be put to, if boards are not established throughout the State,

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : On a point of order. Can the member draw the attention of the Government without having a proper amendment to the clause?

DEPUTY PRESIDENT : Quite so. Here we are concerned with the wording. I have pointed out that, even if the wording as proposed by Mr. Krishna Pillai is adopted, the position of Government cannot change. Therefore my point is whether the House should concern itself with this point.

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is it the member's object that, if a power is conferred upon Government to establish conciliation boards, that power shall be exercised for establishing conciliation boards throughout the State? In other words, the power is exercised in such a way for establishing conciliation boards; or otherwise no conciliation boards should be established.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Quite so. If the Government are going to establish boards, my submission is the boards must be established throughout the State simultaneously.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I wish to make a suggestion. Either the Chair may disallow further discussion or allow the members interested to frame the amendment suitably.

DEPUTY PRESIDENT: I gave a hint to Mr. Krishna Pillai that, as the words stand, it may not serve any useful purpose. I should not take to myself the authority of changing the wording.

MR. A. THANU PILLAI (*Trivandrum—Rural*): The rule is that the amendments should be properly worded. The President can disallow if that is not done.

DEPUTY PRESIDENT: The difficulty in this case is that two members of the House are of opinion that this will be a useful amendment. Mr. Thanu Pillai—and probably there are others of that way of thinking—is of the opinion that it does not serve much useful purpose. Mr. Thanu Pillai thinks that we shall utilise the time for other purposes. Each man is entitled to his own personal opinion about cogency of reason. So I allow Mr. Krishna Pillai to proceed.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): If my amendment is accepted, Government will not, certainly, be bound to establish boards. But if the Govurnmeut establish boards at all, whether it be one or more than one, it must have jurisdiction throughout the State; and in the latter case, all the boards will have to be established at one stroke and not one by one in succession.

MR. K. M. KRISHNAN (*Ambalapuzha II*): There are two conditions to be fulfilled before the establishment of boards. Under Clause 4 of the Bill, a debtor is to apply for conciliation to a Board which is in a place where the debtor lives, or if there is no board in the place where the debtor lives, he has to apply to a Board that is situated in a place where the debtor has got immovable property. But if there is no board in a place where when the debtor lives or if the debtor has no immovable property in the place in which the Board is situated, the debtor is not in a position to seek the help of the conciliation which the law allows to every debtor without exception. Under these conditions, it is necessary to establish boards simultaneously throughout the State. On these grounds, I support the amendment.

MR. K. P. KRISHNA MENON (*Parur*): I oppose the amendment. The board has to justify its existence. Government may establish boards for the present in a few select places of the State as a trial without incurring heavy expenditure on experiments. If they are fo nd satisfactory, Government may consider the establishment of more conciliation boards in other places also.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I oppose the amendment. As the Bill stands, the Government have power to appoint conciliation boards throughout the State or in any portion of the State. If this amendment is accepted, the result will be that Government may not be able to establish boards at all. Because it will mean that, if at all boards are to be established, they must be done simultaneously. I am sure that that is not the desire of the honourable members of this House.

MR. T, KRISHNA PILLAI (*Neyyattinkara II*) : Is there not then an obligation on the part of Government to establish boards ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No. According to this amendment, we cannot have a board in any one particular area alone.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : If one board is established by Government, will it not have jurisdiction throughout the State according to my amendment ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Boards will be established in different places with different jurisdiction.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*) : I oppose the amendment. According to Clause 3 as it stands, the Government may establish conciliation boards. It does not prohibit Government, if they have the necessary funds, from establishing conciliation boards for every part of the State. The amendment now before the House, *viz.*, " throughout the State, " " simultaneously " does not take us far. The option to establish boards in different parts of the State still rests with Government. No particular advantage is gained by passing this amendment.

MR. K. R. ELENKATH (*Kalkulam I*) : I may be permitted to say one word. The intention of the legislature is that if at all boords are appointed it should be appointed throughout the State. If this clause is retained it may be that Government may appoint boards and it is the man who cries the loudest that gets it. But it will not be established where it is needed.

The amendment was put to the vote of the House and declared lost.

MR. K. PADMANABHAN (*Chirayinkil I*) : Sir, I am personally opposed to the whole scheme of conciliation embodied in this Bill. With that avowed object, I had tabled another motion.

DEPUTY PRESIDENT : There is no use of reminding the House of such historic facts which have taken place.

MR. K. PADMANABHAN (*Chirayinkil I*) : These are only preliminary observations. With that object I have tabled amendment No. 45. But unfortunately that has been ruled out by the Chair.

DEPUTY PRESIDENT : I am very sorry to allow you to go on in such a way. The word ' unfortunately 'must be withdrawn. I have already said that statement of historical facts is not necessary because it is recent history.

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MR. K. PADMANABHAN (*Chirayinkil I*) : I have already withdrawn. The amendment is " or invest the judicial officers in the service of our Government with special powers under this Regulation. " This amendment is an enabling provision whereby Government are empowered to invest certain powers on the existing tribunals for the purpose of conciliating debts. The reason is this. The procedure to be followed by conciliation boards is substantially the same as the procedure that is followed in civil courts. When an application for conciliation is presented either by the debtor or the creditor, notice is sent to the parties concerned, statements are taken, different issues are raised, evidence is taken and so on. For a board to function properly, judicial experience and knowledge are absolutely necessary. There is also a body of opinion which says that, if at all boards are to be established, they should be established throughout the State.

DEPUTY PRESIDENT : So your position is this ? Either there should be boards in all places or there should be power specially conferred upon particular judicial officers.

MR. K. PADMANABHAN (*Chirayinkil I*) : Yes.

DEPUTY PRESIDENT : Then I want you to satisfy me on this point. When the House has accepted the view that there should be boards, does not this alternative go against it ?

MR. K. PADMANABHAN (*Chirayinkil I*) : It is not an alternative, Sir. I am only suggesting that wherever possible Government may at least invest judicial officers with special powers for the conciliation of debts. That is all the point. The appointment of conciliation officers or boards in all taluks would mean large financial commitments. From a financial point of view also, my amendment would be very useful. In certain places, there may not be any necessity to appoint separate boards at all. Still debts may have to be settled between a few people there. In those cases it will be convenient if the existing Munsiffs in those places are invested with that power.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : When that power is given, will they have to function as courts or boards ?

MR. K. PADMANABHAN (*Chirayinkil I*) : As boards.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*) : Is he to be invested with powers to try cases arising out of the same conciliation officer ?

MR. K. PADMANABHAN (*Chirayinkil*) : That is a matter of expediency. I do not think it is advisable to say that the same officer should try cases which have been once decided by him.

MR. R. SAMBASIVA AIYAR (*Kunnamad II*) : I second the amendment. According to the scheme of Part II of the Bill, it is contemplated to invest the debt conciliation officers with very large judicial powers. They function practically as courts for the purpose of conciliating debts. Clause 11 says:

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[Mr. R. Sambasiva Aiyar,]

"(1) Subject to rules, if any, made by Our Government under this Regulation, a board may exercise all such powers connected with the summoning and examining of parties and witnesses and with the production of documents as are conferred on a civil court by the Code of Civil Procedure 1100

(2) Any person present may be required by a board to furnish any information or to produce any document then and there in his possession or power.

(3) Every proceeding before the boa d shall be deemed to be a judicial proceeding.

There is no guarantee that the person who would be appointed as a Conciliation Officer should have any judicial knowledge or experience. There is not even a single provision in the whole Bill to that effect. He may have to try cases amounting to lakhs and lakhs of rupees. But any man may be appointed for the purpose. It is enough if he is an officer of Government. Therefore the amendment suggested by Mr. Padmanabhan is very useful and may be accepted. Judicial officers may be invested with the powers of the board. To that extent, that is a redeeming feature.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar vakil*) ; I oppose this amendment. The functions of the Conciliation Board and the functions of the court are different. The court decides a case that is presented to it according to law and law means a predetermined rule. One law, for example, is that, if a person executes a bond, the court shall allow the amount of that bond to be recovered. That is the law. Courts decide the case upon the law. But in the case of conciliation boards, they do not decide cases according to the law. They decide according to discretion and justice, having regard to the circumstances and equities of the case. If it is, say, a case involving the execution of a promissory note for, say, Rs. 300. the board may direct the payment of a lesser amount, while the court would have been obliged to decree the full amount.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): What harm is there if the judicial officers presiding over courts are empowered to decide according to facts and equities of the case ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : There is none, inherently. If it is a recommendation of this House that, as far as possible, judicial officers should be appointed to preside over boards, I can understand that. Judicial officers, many of them, may be competent to decide these cases presented before them. But there may be other persons also equally competent to decide cases according to a sense of justice.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Why is that some judicial officers will not be able to decide cases according to justice ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar vakil*) : Human nature being what it is, some people will naturally have a knack to conciliate, while other may not have it.

MR. A S. DAMODARAN ASAN (*Mavelikara*) : Or, is it because they are not fit to hold the post ?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Are not all the officers competent?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, presumably. But that is entirely different from what I am saying. Conciliation officers require a particular temperament and a particular attitude. They require practical experience of the locality as well.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Will not even non-judicial officers do well?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No hard and fast rule can be laid down in regard to these matters. What Mr. Padmanabhan says is that the powers of these boards should be conferred upon courts.

MR. K. PADMANABHAN (*Chirayinkil I*): Not that.

DEPUTY PRESIDENT: In places where there are no boards, the courts may be invested with such powers. That is what he means.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The point there is that, when there are no boards, the judicial officers should be converted into or appointed as conciliation officers. Government will consider that question. What I object to is to make the court do conciliation work. Such an arrangement may lead to great complications also. If, for instance, a certificate is issued with court acting as a board, that will go back to him as a court. That is not desirable. I oppose the amendment.

MR. K. PADMANABHAN (*Chirayinkil I*): I beg permission to withdraw the amendment.

The amendment was by leave, withdrawn.

MR. P. C. KURIYAN (*Kottayam I*): Sir, I move the following amendment:—

"*In Clause 3, delete sub-clause (1) (b), (c) and (d) and sub-clauses (2) and (3) and substitute the following*:—

(b) *The board shall consist of a chairman who is a judicial officer in the service of our Government, and two or more members appointed by our Government to assist the chairman in the work of conciliation.*

(c) *Such members shall be appointed for a term, not exceeding one year, but shall be eligible for reappointment on the expiry of their term.*

(d) *The quorum of the board shall be prescribed by our Government.*

(e) *The opinion of the chairman shall prevail in all cases.*

(2) *Our Government may cancel the appointment of any chairman or member of a board, or dissolve any board at any time.*

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. C. Kuriyan,]

(3) (*a*) *Our Government shall notify, in our Government Gazette, the establishment of a board, and the appointment of the chairman and members of the board and the board shall be deemed to have been established, and its chairman and members appointed from the date specified in such notification or notifications.*

(*b*) *Our Government shall notify, in our Government Gazette, the cancellation of the appointment of any chairman or member of a board: and from the date specied in such notification, the chairman or member shall cease to be a chairman or member of the board.*

(*c*) *Our Government shall notify in our Government Gazette, the dissolution of a board; and from the date specified in such notification, the board shall cease to exist.*"

My idea is to restore the provision for conciliation board as provided in the original Bill but devoid of all possible harm that would result from the original provision. When the matter was discussed in this House, it was urged by some members that, having regard to the present day condition in Travancore, it would not be advisable to constitute a purely non-official body. Referring to other legislations, I find that in almost all the Bills conciliation is a very important part in the whole scheme.

So much so in Madras it is called the Debts Conciliation Act. On going through the provisions prescribing the work of the boards, I do not think any human being can approve of it because, if one officer constituted himself into a board, he will have to do the whole work. He has to suggest schemes of conciliation to the parties, get their consent and do all manner of such things which are not done in ordinary courts. In my scheme I would have a judicial officer, preferably a Second Judge in the service of Government, besides two or more non-officials, although I have not mentioned so in my amendment. These two non-officials will work under the control of the judicial officer who will in his turn be responsible to Government. These two non-officials will be able to bring to bear their influence, position in the land and acquaintance with the parties to urge upon the parties the advisability of an amicable agreement. But if an officer alone is to be in charge, I fear he would not be competent to do justice, because the very act of conciliation requires a certain amount of coming down from the official pedestal which would not be in keeping with the status and dignity of our judicial officers. Judicial officers here cannot be expected to give up their dignity and gravity.

DEPUTY PRESIDENT: You do not think non-officials will not have any dignity and gravity?

MR. P. C. KURIYAN (*Kottayam I*): It is our duty to do that and much more.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. PADMANABHAN (*Chirayinkil I*): May I know how the judicial officer, when he presides, keeps up dignity?

MR. P. C. KURIYAN (*Kottayam I*): He gives the general direction.

MR. K. PADMANABHAN (*Chrayinkil I*): From that position he need not come down?

MR. P. C. KURIYAN (*Kottayam I*): He need not. He will give the general outline to the non-officials.

As boards are constituted throughout India, I do not find any reason why they should not be established in Travancore, unless Travancore non-officials are very much different from non-officials in British India. I have made the provision that the opinion of the Chairman shall prevail so that no sort of local influence shall weigh with the board.

MR. K. R. ELENKATH (*Kalkulam I*): What is the provision in case of difference of opinion between the two non-officials and the official?

MR. P. C. KURIYAN (*Kottayam I*): I have put in everything here. The opinion of the official shall prevail.

MR. K. R. ELENKATH (*Kalkulam I*): In that case, the non-official members will be of no use if they are merely to justify the official member's opinion.

DEPUTY PRESIDENT: That is what the member thinks and he has said that he has expressed his opinion.

DEPUTY PRESIDENT: Anybody seconding?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I second; and, in seconding the motion, I have to bring to the notice of the House two other amendments which are identically similar.

DEPUTY PRESIDENT: In that case, we may drop them if they are substantially similar.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): They are substantially similar.

DEPUTY PRESIDENT. Are you moving this and have you seconded?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I have seconded.

DEPUTY PRESIDENT: Are you moving the amendment?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I am moving an amendment.

DEPUTY PRESIDENT: Now you are in order.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, in seconding this amendment my view is that, considering the nature of the conciliation work, considering the unlimited jurisdiction that is conferred upon the board and the discretion vested in such boards and also the nature of the procedure to be followed in such boards in the matter of conciliation, it is better to have a Board consisting of more than one member. And so far as Mr. Kuriyan's amendment says that the board must consist of an Official Chairman, preferably a judicial officer, I agree with him. Certainly I am not for constituting a purely non-official board. We must have an Official Chairman to supply what is called

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Pacode A. Narayana Pillai.]

the moderating influence of a permanent officer of Government who is subject to the disciplinary jurisdiction of the Government. So, for that purpose, it is highly necessary that the Chairman of the board must be an officer of Government to supply that moderating influence.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Should the official Chairman's opinion prevail ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : Certainly. The provision made here will show that in such matters ordinarily questions have to be decided by the Government view. In cases where the members are equally divided, it is provided that the opinion of the majority shall prevail.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I rise to a point of order. You have seconded this amendment.

DEPUTY PRESIDENT : The opinion of the Chairman prevails which ordinarily means that, even if the two non-officials are of the same opinion, that has no weight. This is how you second that.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I do support the provision that the opinion of the official Chairman shall prevail.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*) : Will that not lead to perpetual warfare between the official and the non-officials ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I am not one who is despondent over the fear that there is perpetual warfare between officials and non-officials. We are not fighting like Kilkenny cats.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominatd*) : The opinion of the Chairman shall prevail in all cases. When in a dozen cases the official Chairman differs from the views of the non-official members, that will not create any misunderstanding ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : Certainly no. The Official Chairman is expected to give a ruling.

DEPUTY PRESIDENT : It is not a ruling. It may amount to a decision.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I did not use the word ruling in the terminology of legislation. I used it in the sense of a decision.

Well, Sir, I narrated the advantages of having an official Chairman; firstly he supplies that moderating influence. And secondly, there must be supplied the element of authority also. Unless there is an Official Chairman to guide the deliberations of the board with authority, the board could not work properly. To supply that authoritative element, he will be backed up by the weight of the Government, being an officer of the Government.

MR. K. R. ELENKATH (*Kalkulam I*) : What is the advantage of giving the authority to the Chairman ?

LIBRARY ARCHIVES, Kerala Legislative Assembly

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : It is feared sometimes that non-official members may take extreme views or an ultra—judicial view. In such cases, the moderating influence of the officer will be very useful.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Are officials better moderators than non-officials ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : At any rate that is presumed.

DEPUTY PRESIDENT : In this matter every member can have his own opinion.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : Then it might be asked, where is the necessity for the non-official element ? Well, Sir, what is the nature of the conciliation that is contemplated in this Bill ? Sir, it is not that mere cold official formality that has to be followed there as we follow in courts of law. It is not to apply the various provisions of the Civil Procedure Code, but it is for a sort of informal face to face talk. I might even say heart to heart talk—that is making the creditor and the debtor to stand face to face and putting things in an informal way. That is the sort of work to be done by the Conciliation Board. It is not by issuing summons and notices to parties and witnesses, filing of documents, etc.

DEPUTY PRESIDENT : Filing of documents has also to be done before boards.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I know that is not dispensed with; but that has not to be done in the manner in which it has to be done as per the provisions of the Civil Procedure Code. That is what I mean. So we should not make conciliation work as mere red-tapism. We should not officialise it too much. We should not make the parties who approach the board go there with bated breath and hesitancy, but they must be willing and they must willingly approach the board and place their case before the board. For that purpose and in order to induce confidence, in order to make the parties have full confidence, to place their cards on the table, it is better to have non-officials also.

MR. K R. ELENKATH (*Kalkulam I*) : If so, will it not be advantageous to have, purely non-official boards ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : In that case the other advantages which I mentioned, if there is an official President, will be absent. So that the best board that I suggest for conciliation would be a mixed board. I do not for a moment suggest that the decision of the single official Chairman will be invaluable or free from all doubts, or that the decision given by a purely non-official will be the ideal one. There are some evils attendant on all these cases. But our object should be to minimise, as far as possible, the evils. Probably if there is a single board member and that member a Government servant, it might be feared that the decision of the board being final, not subject to revision or appeal——

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DEPUTY PRESIDENT: You say the presence of non-officials will mitigate the rigours of officials and at the same time non-officials will get reflected authority from the President. That is your idea?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Yes, Sir. We will then have the moderating influence of the official element as also the advantage of non-official opinion. And, particularly in this matter, non-official opinion is entitled to great weight since local knowledge will play a great part in the amicable settlement of disputes between the debtor and the creditor. Knowledge of local conditions will be of great use in the conciliation of debts. I am sure it will be admitted on all hands that no officer can be expected to have as much knowledge of the local conditions as non-official gentlemen of the locality.

MR. K. R. ELENKATH (*Kalkulam I*): Is it not open to the conciliating authority to take evidence?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): This is not relevant to my present point.

DEPUTY PRESIDENT: Then you need not answer it.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I know evidence can be let in, but I am now at the constitution of the conciliation boards

Another important reason why I consider non-official element indispensable in this board is this. There are as many as 29 or 30 clauses in Part II. In fact Part II comprises the bulk of the provisions of the Bill. The provisions in Part II are cumbersome and difficult enough. It is not easy for a single individual to handle all the cases. We cannot expect one officer to do it satisfactorily. It is therefore desirable that we get the thing done by a board of three members rather than by one individual.

DEPUTY PRESIDENT: How many Sections are there in the Civil Procedure Code or in the Criminal Procedure Code? And yet, one man functions efficiently enough.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I do not think, Sir, that the conciliating authority will get, under this enactment, all the facilities now available for our judicial offices. Sir, let us be practical in what we do. It is not likely that one man, however efficient he may be, can function satisfactorily, without non-official co-operation and aid.

MR. K. R. ELENKATH (*Kalkulam I*): Does the member suggest that, in the mixed board that he proposes, the work must be divided among the members of the board?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I think, Sir, I was sufficiently understandable.

DEPUTY PRESIDENT: Mr. Pacode Narayana Pillai, I think you have spoken at sufficient length.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I have not yet closed.

DEPUTY PRESIDENT: You have taken more time than is warranted by the circumstances.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, this House will be stultifying itself if it says that suitable non-official gentlemen will not be available. This House, consisting, as it does, of 62 non-official members, cannot say——

DEPUTY PRESIDENT: But nobody said that. Why do you create terrors?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I thought, Sir, that I could also anticipate arguments that may be raised against my amendment; I am doing it.

DEPUTY PRESIDENT: Please do not anticipate such things. (*Laughter.*)

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, the Select Committee, in recommending one conciliation officer in preference to a board, state that having non-officials on these boards would mean heavy expenditure by way of T. A. They seem to have been frightened by that small expenditure. Sir, we are now tackling the question of the agricultural indebtedness which is the biggest problem of the day. In considering such a serious and important problem, are we to be side-tracked by such small questions as the expenditure of a few rupees by way of sitting fees for the non-officials?

DEPUTY PRESIDENT: Whoever objected to the expenditure on account of T. A.? Who argued that a single conciliation officer should be preferred to a board because a board would mean some T. A.? Mr. Narayana Pillai, in the course of a very very long speech, has adverted to various aspects; but he would be irrelevant if anticipations of this nature are resorted to.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I explain, Sir?

DEPUTY PRESIDENT: I think you have said everything that you wanted to say.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I submit, Sir, that I have made a specific reference to a statement contained in the Report of the Select Committee.

I was submitting, Sir, that considerations of T. A. and sitting fees that may have to be paid to the non-official members of the board, have weighed with the Select Committee in their decision against having a board. Sir, that is a very flimsy reason for shutting out non-official element from these boards.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it not to show that the conciliation officer is not going to be costlier than a board that the Select Committee have made that observation which my friend is now adverting to?

DEPUTY PRESIDENT: I consider, Mr. Narayana Pillai, that you cannot take any more time. Of course, you will take it in good part.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) I would appeal to the non-official members of this House not to make themselves the laughing stock of the whole world by voting against non-official element. Wherever you have conciliation boards, you find the non-official element also. In Mysore, in Cochin, in the Punjab, in the C. P. in the U. P. in Madras——

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. SAMBASIVA AIYAR (*Kunnatnad II*): May I ask when conciliation boards were established in Cochin?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, in Cochin, the Bill is before the Select Committee. In Mysore also, a similar Bill has been introduced. All these Bills provide for conciliation boards with officials and non-officials.

I would therefore once again make an appeal to the honourable members of this House not to shut out non-officials from this important work of conciliation.

MR. S. J. NAIR (*Nedumangad*): I have got to move one motion.

DEPUTY PRESIDENT: There is now one motion before the House.

MR. S. J. NAIR (*Nedumangad*): My motion is practically identical, although there is some slight difference.

DEPUTY PRESIDENT: Then it cannot be identical. You cannot move it now.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose this motion. It will be noticed that, in the original Bill, as I introduced it, Government had been given the option to have individual conciliation officers or a body of men to constitute the board, the body to consist of non-official members also. The Select Committee, after considering the question carefully, decided that they would not even give an option to the Government, but would definitely provide that there shall be only officers for this conciliation work.

MR. S. J. NAIR (*Nedumangad*): What is the sort of boards that the Debt Redemption Committee recommended?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Their Report is not in question now.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Does not the Law Member think that the step taken by the Select Committee was a climb-down——

DEPUTY PRESIDENT: It does not arise now, whether it is a climb-down or an ascent-up. (*Laughter.*)

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I bow to the considered opinion of the Select Committee, especially since they have indicated it so strongly.

MR. S. J. NAIR (*Nedumangad*): Is the member aware that one official would be useless———

DEPUTY PRESIDENT: That is a matter of opinion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Apart from the opinion of the Select Committee, I think that it will be much cheaper for us to get the work done by one officer than by a board. That is my personal opinion which I give for the information of the House.

There is also another objection to the present amendment. It provides that the official Chairman's view shall prevail *always*. I wonder then, what the non-official members are there for, except to

LIBRARY ARCHIVES Kerala Legislative Assembly

act as a clog on the officer (A Member : *To receive T. A.*) or perhaps, except to receive T. A., as was just now suggested by some honourable member, I do not think any purpose would be served-———

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Sir, that observation by the Law Member must be protested against as it is an aspersion on the non-official members of this House.

DEPUTY PRESIDENT : It is quite within the right of the Law Member to make that statement if that is his view. Mr. Thanu Pillai may take a different view from that of the Law Member. In this House there is no distinction between official members and non-official members. I do not think there is any offence meant to Mr. Thanu Pillai or to any other member.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : My point, Sir, is that, if in all cases the opinion of the Chairman alone is to prevail, the non-official members will never feel any sense of responsibility. They will be indifferent whether a debt is reduced to 25 per cent. or to 10 per cent.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : May I know whether that advice will be available ?

DEPUTY PRESIDENT : I do not think those questions arise. They are all matters of opinion and the particular opinion held by the Law Member is not going to hold with this House.

MR. KAYALAM PARAMESVARYN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I was going to say that the object of the amendment is not merely to have non-officials on the board but also to make the non-officials on the board mere dummies. That, I think, is even an insult.

MR. S. J. NAIR (*Nedumangad*) : With the permission of the Chair, I shall move amendment No. 68.

DEPUTY PRESIDENT : That is a very curious procedure. To put in that glib manner is not proper to the Chair. Do not take the Chair unawares like that. If permission is required, make a definite statement and make a definite application. The permission of the Chair has not been granted. You may speak on the amendment before the House.

MR. S. J. NAIR (*Nedumangad*) : I would request the Chair to give me permission to move amendment No. 68 at page 8 of the list of amendments.

DEPUTY PRESIDENT : That deals with sub-clause (1) (*d*) and we are now at sub-clause (1) (*a*), (*b*), (*c*) and (*d*). Please state only the points of difference in the two amendments.

MR. S. J. NAIR (*Nedumangad*) : Instead of three members, I want four members on the board. The Chairman, being a judicial officer, shall be the Tahsildar of the taluk. The term of appointment of the board shall be three years. With regard to the quorum, it shall be three. The opinion of the majority shall prevail.

LIBRARY ARCHIVES Kerala Legislative Assembly

DEPUTY PRESIDENT: Then your amendment is not an amendment to an amendment. It is an essentially different matter.

MR. S. J. NAIR (*Nedumangad*): Yes, Sir; it is an independent amendment to sub-clause (1) (*d*).

DEPUTY PRESIDENT: I have no objection to allow Mr. S. J. Nair to move his amendment. I do not want to fetter discussion. Yesterday you heard the President's observations on this subject. But I must say this for your information, in the full hope that it may kindly be taken in the way it ought to be, that if you look in the journals of other legislative assemblies, especially when the Select Committee Report is being taken into consideration, the amendment is proposed and the speeches made are of the briefest character. While I am prepared to allow discussion on essential points, I hope that members who speak on particular motions will be as brief as possible.

MR. S. J. NAIR (*Nedumangad*): Sir, I move that—

"*In Clause 3, delete sub-clause (1) (d), and substitute the following* —

MR. P. C. KURIYAN (*Kottayam 1*): I would like to be permitted to reply, before another amendment is moved.

DEPUTY PRESIDENT: Mr. Kuriyan, you will have to look up the rules carefully. I will do what is necessary. Mr. S. J. Nair, you need not read all your amendment. Please give your reasons.

MR. S. J. NAIR (*Nedumangad*): My amendment is No. 68.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): On a point of order, Sir. Nothing has been done with regard to the amendment No. 56 of Mr. P. C. Kuriyan. Meanwhile, Mr. S. J. Nair gets up and says that he is moving amendment No. 68. The Chair may be pleased to rule as to what has been done with regard to the amendment No. 56 which has been debated upon so long.

DEPUTY PRESIDENT: I am sorry to observe that well-meant advice has very little influence upon certain people. We want to gain time so that we may push through with the Bill within the time allotted. Mr. Sambasiva Aiyar, as a lawyer of prominence and a member of this House, should certainly know that there is a certain way of doing business by allowing the House to consider two amendments at the same time and voting upon them later on. So, the apprehensions are absolutely unfounded. Mr. S. J. Nair may now proceed.

MR. S. J. NAIR (*Nedumangad*): Sir, I move —

"In Clause 3, delete sub-clause (1) (d) and substitute the following :—"

DEPUTY PRESIDENT: This is the fourth time you say that. You may state your reasons.

MR. S. J. NAIR (*Nedumangad*): Sir, my reasons are the following. In the Report of the Agricultural Debt Redemption Committee at page 105, in their finding with regard to Debt Conciliation Boards, the Committee have stated—

> "In the case of all debts, secured as well as unsecured, relief should be made available by conciliation through Debt Conciliation Boards to be established by Government for that purpose, on the lines recommended below."

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With regard to the constitution of the board, the Report states—

"Ordinarily there should be one board for each taluk. But there should be no objection, if circumstances require it, to one board being given jurisdiction over more taluks than one or to have more than one board for the same taluk. The board may be authorised to hold its sittings at convenient centres within its jurisdiction."

DEPUTY PRESIDENT: I will not permit long extracts.

MR. S. J. NAIR (*Nedumangad*): Again with regard to the composition of the board, the Report states—

"Every Board should consist of a Chairman and two members, one of the three being, if possible, a Government Officer."

On a former occasion, Sir, in this House, while it was discussing the report of the Agricultural Debt Redemption Committee, the honourable member, Mr. Kunjukrishna Pillai, brought forward certain amendments and the second part of the amendment that was unanimously passed in this House was to the effect that the creation of debt conciliation boards for bringing about a composition of the debts of the agriclulturist is absolutely necessary and legislation towards that end should be undertaken by Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Was that passed or defeated?

MR. S. J. NAIR (*Nedumangad*): If I remember correctly, it was passed. Anyhow, it was discussed, Sir. (*Laughter*).) Sir, with regard to the original Bill that was brought forward in this House—

DEPUTY PRESIDENT: All that is in the momory of this House. I shall allow Mr. S. J. Nair to state his reasons alone.

MR. S. J. NAIR (*Nedumangad*): Further, we cannot imagine, having permitted the definition of conciliation boards in Clause 2 (c) to remain, that a board will consist of only one individual. Sir, the dictionary meaning of "board" is this:—"a number of persons having the management, direction or superintendence of some public or private office or trust". Sir, nowhere in the English language does a board mean a single member.

DEPUTY PRESIDENT: Mr. S. J. Nair is out of order. This House has come to a conclusion on that subject, irrespective of all the wonderful dictionaries of the world.

MR. S. J. NAIR (*Nedumangad*): I am just explaining why I have brought forward this amendment, Sir. That is in order to see that the whole world may correctly understand the meaning of the English word "board" in its correct sense. Otherwise the existence of the definition of "board" would look most absurd.

DEPUTY PRESIDENT: Is there any degree in absurdity? (*Laughter.*)

MR. S. J. NAIR (*Nedumangad*): If the definition of "board" is to remain, as it has already been permitted by the House, in the Bill, and if Clause 3 (i) (d) is to be permitted to remain in the Bill, I must humbly submit that it is an absurd position.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. S. J. Nair.]

Sir, if, as a matter of fact, the Government or the Law Member intend that this Bill must have a beneficient effect, if they intend that any useful purpose should be served as the result of the establishment of a board, what I submit is that there must be a board for every taluk and the board must consist of more than one member. With one official member, no board would serve the purpose of conciliation, Sir. This statement I must emphatically make before this House. Unless and until non-official members also are co-opted on the board, the board composed of one official member would not serve the purpose.

DEPUTY PRESIDENT: What do you mean by co-opted?

MR. S. J. NAIR (*Nedumangad*): I hope everybody has understood what I meant. I meant appointed.

DEPUTY PRESIDENT: I have not understood you.

MR. S. J. NAIR (*Nedumangad*): The purpose of language is to convey ideas with a meaning. I have already stated that it means appointed. What I submit is that there is absolutely no use of having one man alone on the board and that too an official. Further, with one member as a board the meaning looks a little bit absurd.

DEPUTY PRESIDENT: Even the word "absurd" cannot be repeated so many times.

MR. S. J. NAIR (*Nedumangad*): Anyhow, it is un-English. If at all the authors of this piece of legislation desire that any sort of composition of debts as a result of conciliation should be effected, what I submit is, there should be a board consisting of more than one member.

DEPUTY PRESIDENT: If you repeat yourself in this manner, I am afraid I must prevent you from talking further. You may go on without repetition.

MR. S. J. NAIR (*Nedumangad*): I therefore, Sir, move the following amendment:—

"In Clause 3, delete sub-clause (1) (d), and substitute the following:—

"(d) The Board shall consist of a Chairman and three members (hereinafter called 'conciliation officers)' appointed by Our Government. The Chairman shall be the Taluk Tahsildar having jurisdiction over the area in which the Board is constituted".

DEPUTY PRESIDENT: I told you that you need not read what is contained there, and I asked you to state your reasons for moving the amendment. After stating your reasons fully, you read the amendment again. You are now reading it again, which means reminding the House of the wording of the amendment, and unnecessarily taking up the time of the House.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. S. J. NAIR (*Nedumangad*): I must move the amendment before the House. For that purpose I read it. If I merely say *No. 68*, there will be no amendment before the House. For the purpose of being logical and reasonable, I read it.

DEPUTY PRESIDENT: Please read the whole amendment.

MR. S. J. NAIR (*Nedumangad*):

"(*e*) *The chairman and the other three members of the Board shall be appointed for a term not exceeding three years, but shall be eligible for re-appointment on the expiry of their term.*

(*f*) *The quorum of the Board shall be three.*

(*g*) *Where the chairman and members of a Board are not unanimous, the opinion of the majority shall prevail and if the Board is equally divided, the chairman shall exercise a casting vote.*"

I purposely included the name of the Taluk Tahsildar because he is expected to know the conditions and the nature of the parties.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): Is the Tahsildar to do this work of conciliation *in addition* to his work as Tahsildar?

MR. S. J. NAIR (*Nedumangad*): Yes, in addition to his work as Tahsildar. For the foregoing reasons, Sir, I move the amendment.

MR. A. EASWARA PILLAI (*Kalkulam II*): I second the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose it.

MR. P. C. KURIYAN (*Kottayam I*): I have a word to say about it. I am sorry to confess that, when the Law Member was explaining the objects and reasons of the clause, he was in favour of this. But he now comes forward and tells me that he is against it.

DEPUTY PRESIDENT: The change of mind on the part of the Law Member is not in issue before the House. We are dealing with the Report of the Select Committee.

MR. P. C. KURIYAN (*Kottayam I*) Sir, when I made the provision that the judicial officer's decision should prevail in all cases. I made it so because it was a most responsible task. The responsibility for the decision must be fixed upon one single individual. It is uncharitable for the Law Member to say that the responsibility should be fixed on a dummy. If the decision is made by the majority vote, the officer will say that he had no hand in arriving at that decision.

In regard to the period, I have purposely put in the period as one year.

DEPUTY PRESIDENT: An honourable member of this House does not put in anything without a purpose It is presumed that you put it in with a purpose.

MR. P. C. KURIYAN (*Kottayam I*): Sir, I did it because, when the original Bill was discussed in this House, a suggestion was made that it was not advisable to have a purely non-official board. It was for that reason that I introduced the judicial officer.

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MR. S. J. NAIR (*Nedumangad*) : May I say one word in reply, Sir?

DEPUTY PRESIDENT : I am sorry I cannot oblige you. The requirements of time do not allow me to do so.

Mr. P. C. Kuriyan's amendment was then put and declared lost.

Mr. S. J. Nair's amendment was next put and declared lost.

MR. S. J. NAIR (*Nedumangad*) : I demand a poll.

DEPUTY PRESIDENT : Why do you want a poll?

MR. S. J. NAIR (*Nedumangad*) : The amendment I have moved is a very important one and I am of opinion that, if it is not carried, it is better to drop this Bill.

DEPUTY PRESIDENT : You are out of order in saying all that,

A poll was taken with the following result :—

AYES—2.

1. Mr. A. Easwara Pillai (*Kalkulam II*)
2. Mr. S. J. Nair.

NOES—50.

1 Mr. N. Abdur Rahiman Sahib
2 ,, K. C. Abraham
3 ,, T. K. Alexander
4 ,, V. T. Chacko
5 ,, S. Chattanatha Karayalar
6 ,, C. V. Chandrasekharan
7 ,, A. S. Damodaran Asan
8 ,, A. Easwara Pillai (*Kottarakara*)
9 ,, K. R. Elenkath
10 ,, Antony George
11 ,, K. George
12 ,, M. Mahomed Haneef
13 ,, M. Govinda Pillai
14 ,, T. S. Jayantan Nambootiri
15 ,, T. C. Joseph
16 ,, K. N. Kesava Pillai
17 ,, Menatheri N. Kesava Panickar
18 ,, K. M. Krishnan
19 ,, Pottayil S. Krishna Panickar
20 ,, E. V. Krishna Pillai
21 ,, N. K. Krishna Pillai
22 ,, Puthupalli S. Krishna Pillai
23 ,, T. Krishna Pillai
24 Rao Bahadur Dr. N. Kunjan Pillai
25 Mr. K. Kunjukrishna Pillai
26 Mr. E. K. Kunjuraman
27 Mrs. M. Poonnen Lukose
28 Mr. K. Madhavan
29 ,, M. K. Madhavan Pillai
30 ,, K. Mahomed
31 ,, K. A. Narayana Pillai
32 ,, G. Nilakantan
33 ,, S. Nilakanta Pillai
34 ,, K. Padmanabhan
35 ,, Edavanatt S. Padmanabha Menon
36 ,, Kainikkara M. Padmanabha Pillai
37 Rao Sahib S. Paramesvara Aiyar
38 Mr. Kayalam Paramesvaran Pillai
39 ,, R. Pitchu Aiyangar
40 ,, V. Ramakrishna Panickar
41 ,, R. Raman Pillai
42 ,, R. Sambasiva Aiyar
43 ,, R. Sivaraman Nair
44 ,, A. Thanu Pillai
45 ,, T. C. Thommen
46 ,, John Whitely Tolson
47 ,, G. B. E. Truscott
48 ,, N. E. Varughese
49 ,, V. K. Velappan Nair
50 ,, T. P. Velayudhan Pillai

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NEUTRALS—4.

1 Mr. P. K. Thomas	3 Mr. Pacode A. Narayana Pillai
2 „ P. C. Kuriyan	4 " M. K. Janardana Kamath

The motion was declared lost.

DEPUTY PRESIDENT : It is nearly time to rise. There is a very large number of amendments. I would remind honourable members that it would be a very great advantage if those who are proposing amendments more or less similar in nature will agree among themselves and make it possible for the House to cover a larger ground tomorrow. The House will now adjourn and meet again tomorrow at 11 0' clock.

The House adjourned at 4·58 P. M.

K. MADHAVA KURUP
Secretary to the Sri Mulam Assembly.

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